

The Solicitors' Journal.

LONDON, DECEMBER 21, 1861.

THERE appeared in last week's *Law Times* a most lame, impotent, and self-contradictory excuse or explanation about the discreditable conduct of its proprietor in the matter of his now notorious circular. We do not intend to waste many words upon this last production. It confutes itself, and requires no answer; but we cannot let it pass without a word or two of comment. The first thing to be noticed is, that the proprietor of the *Law Times* now admits that when he stated in his circular that this Journal "had failed"—meaning thereby to suggest its discontinuance—he was fully aware of the absolute untruth of the statement. His apology is that as "the Law Newspaper Company" had announced its intention of dissolving itself voluntarily, he naturally concluded that its publications—namely, the *Solicitors' Journal* and *Weekly Reporter*—would be discontinued. He admits, however, that the letter to the shareholders of the company from which he obtained his information also contained a distinct announcement that the copyright of these publications had been sold, subject to the approval of the shareholders; and he does not deny that he forthwith put all possible machinery in motion for the purpose of ousting the purchasers, so that he himself might become the proprietor of this journal. The reception which his overtures received, without a dissentient voice, from the shareholders, was the only reply which he got to the private printed circulars and beseeching written notes which he addressed to these gentlemen—in both of which he bewailed the fate of his own journal, if the *Solicitors' Journal* should be continued in other hands. But at the same time he distributed, far and wide throughout the provinces, his notorious public circular, intended to delude the unwary into the notion that our publication had ceased to exist. He now affects to pity the shareholders of the Law Newspaper Company. The large body of gentlemen who have willingly subscribed their money to establish a suitable organ of the profession, can afford to be pitied by the proprietor of the *Law Times*. They consider that they have purchased, at a cheap price, immunity from the discredit of being represented by such a journal. Henceforth we recommend our contemporary to change its title from the *Law Times* to the *Law Touter*, and to stereotype its proprietor's circular as a model for all touters in time to come. As a precedent in the practice of touting, it may be regarded as perfect; and we further suggest to its author that it might be made a valuable text for a series of papers on the qualifications and conditions of success required for, as well as the advantages obtained by, touting. We intend to add nothing more to what we have already written upon this subject, as there is neither glory nor profit in killing the slain.

Since the foregoing was in type, and at the last moment before going to press, we have seen what is called an 'extra number' of the *Law Times*, which we

understand has received an extensive gratuitous circulation. It contains an address to the profession which is full of mis-statements. Here are some of them. It is stated that when the *Law Times* was started the profession had no representative in the press—the fact being, however, that the *Legal Observer*, which afterwards became incorporated with the *Solicitors' Journal*, was established some years prior to the existence of the *Law Times*. It is also said that the "system of rapid and complete reporting" was introduced by the *Law Times*; whereas in truth—as is well known—the *Weekly Reporter* was started ten years ago to meet a universally acknowledged want in this respect, and at once sprang into a large circulation, which it still retains. There is, moreover, in this "address" a great abundance of mock heroics, about what the *Law Times* has done and suffered for country solicitors. In reply we need only say that a considerable majority of the promoters and shareholders of the company which founded the *Solicitors' Journal*, were and are country solicitors; and we may add that, upon its appearance, many of the leading provincial law societies passed resolutions pledging themselves to support it. A further attempt is made to damage us, by an untrue assertion, that one of the main objects with which this journal was started was to serve metropolitan as against provincial interests—which is best answered by the fact that of the twenty original directors of the company ten were country solicitors of the highest respectability. A passage in the letter of the secretary to the shareholders of the company, stating that "during every long vacation the circulation of the journal slightly decreased," is twisted into a statement "that the circulation declined every year"—which is the very reverse of the fact. A great deal is said about the company having expended all its capital, and had, therefore, failed in its object. The truth is, that the Company has succeeded in its object by establishing a respectable organ for the profession; and many of its shareholders would be quite ready and willing to expend much more money for the same purpose—if necessary; but it is not. Without the weight of so cumbrous a body as a company, there is no fear whatever of the complete success of the *Solicitors' Journal* and *Weekly Reporter*. The proprietor of the *Law Times* is anxious to be informed how the money of the company was expended. We are unable to inform him precisely upon this point, but have no doubt that a considerable portion of it has gone in paying for literary contributions to our two publications. Perhaps the company may have been too liberal in this respect; but must we speak of the practice of the proprietor of the *Law Times* on this delicate point? We should prefer to abstain from doing so; but we are in a position to give the public some curious items of information as to the literary tariff of our generous contemporary. We say only that should Fate any day compel us to the unhappy alternative of conducting this journal as the *Law Times* is managed, or an absolute dissolution, we shall have no hesitation in adopting the more honourable course. But there is no chance of our being driven into this dilemma. We undertake to satisfy even the proprietor of the *Law Times*, that the difference between the sum expended for literary contributions to the two journals for the time during which the *Solicitors' Journal* has been in existence is little less

than the entire capital of the company. There is, therefore, abundant margin for retrenchment in our expenditure, without obliging us to condescend to the practice of the proprietor of the *Law Times*, or to sink so low as to fear comparison with that journal.

THE unexpected death of the Prince Consort has cast a general gloom over all classes of society. One of the earliest important public acts of His Royal Highness being the enrolment of himself as an honorary member of the legal profession, it is very natural that the sad event should have created a profound feeling of regret among those whom he honoured by association. When the news became general—on Monday morning last—it was impossible to postpone the sittings of the various courts of law and equity without producing great inconvenience, and involving suitors in a large amount of additional expense. The judges of the superior courts, therefore, resolved, but with reluctance, to proceed with the discharge of judicial business, which was accordingly done. The late lamented Prince, in addition to his other intellectual acquirements, had a considerable knowledge of the principles of jurisprudence, and of the peculiar features of English law. Very shortly after he commenced his residence in this country he availed himself of the instruction of Mr. W. Selwyn, Q.C., the author of the well-known work on *Nisi Prius*; and it is certain that the information which Prince Albert thus obtained about the legal and constitutional history of this country produced the most beneficial results. No sovereign of these realms ever manifested such scrupulous regard for the principles and limitations of our constitution as Her gracious Majesty Queen Victoria; and in the many complicated and difficult questions which required the consideration of our sovereign, it is not unlikely that her Majesty frequently had recourse to the well informed and judicious advice of her now lamented Consort. Upon the occasion of the opening of the New Hall and Library of Lincoln's Inn in 1848, Prince Albert was elected a barrister and bencher of the society of Lincoln's Inn; and, as our readers are aware, the Prince of Wales, following the example of his illustrious father, recently honoured the society of the Inner Temple by becoming one of its benchers. In addition to the respectful testimonies to the memory of the Prince Consort which fell from the lips of the judges of the superior courts, the judges of county courts and other minor jurisdictions throughout the country gave expression to the sentiment of profound grief which pervaded all classes. The Law Amendment Society, which was on Monday evening to have discussed a paper on the exciting topic of the *Trent* affair, adjourned without doing so, in consequence of the melancholy event, Sir Lawrence Peel and Mr. G. W. Hastings having paid a tribute to the memory of the Prince. The Law Students' Debating Society also adjourned its meeting on Tuesday, having first passed a resolution recording "its deep sorrow at the irreparable loss the country had sustained, and its heartfelt sympathy with her Majesty and the Royal Family."

The Lord Chancellor has ordered that all the offices under his lordship's jurisdiction shall be closed on Monday next, the day appointed for the funeral of the Prince Consort. The judges of the superior courts of common law have also issued a similar order. The Court of Bankruptcy will not sit on that day. It is believed that, with the exception of the office for the registration of bills of sale, all the public law offices will be closed.

IN a recent case before Lord Westbury his lordship took occasion to condemn a common practice in chancery procedure, which has become extremely inconvenient, and very often involves a great deal of needless expense. Many practitioners appear to forget, when

drawing affidavits in a chancery suit, that the rules of evidence are the same on both sides of Westminster Hall; and that it is, therefore, improper to offer deliberately as written evidence what would certainly be objected to if delivered orally before the judge. It is no uncommon thing to see an affidavit, the greater portion of which is made up of opinions or arguments, or still worse, what is merely hearsay evidence. This of course involves a greatly increased bulk of paper and amount of work, and thereby the costs of the suit become considerably increased. It should always be borne in mind that ordinarily affidavits are merely the vehicle of evidence, and that the party deposing is bound either to state facts within his own knowledge, or to mention the sources of his knowledge of any other fact which he may state. That is the rule in regular suits, and in all petitions and motions (except motions for decree) in the Court of Chancery. Motions for decree constitute an exception in this respect. We pointed out last week* the anomaly which characterises affidavits in such cases. The affidavits of the defendant, and also those of the plaintiff in reply, in a cause brought on for hearing on motion for decree, partake of the nature of pleading, as we then showed. But even in these cases, it is not less necessary than in others, to attend to the rules of evidence, in whatever is offered as evidence, and not as a plea or as a statement of the case of the party making the affidavit. It is to be hoped that the Lord Chancellor's observations will correct the evil against which they were directed.

THE REVEREND JOHN STEWART PEROWNE and Mr. Johann Muncke have been appointed special examiners under the provisions of the Attorneys and Solicitors Act of last year. The following is the order for the examinations:—

Whereas by an order made by us, the Right Honourable the Lord Chief Justice of the Court of Queen's Bench, the Right Honourable the Master of the Rolls, the Right Honourable the Lord Chief Justice of the Court of Common Pleas, and the Right Honourable the Lord Chief Baron of the Court of Exchequer, on the 26th day of July, 1861, it was amongst other things ordered, that from and after the first day of Hilary Term, 1862, every person proposing to enter into articles of clerkship, not having been called to the degree of utter barrister in England, or not having taken a degree or passed the examination prescribed under the 5th section of the Act 23 & 24 Vict. c. 127, shall produce to the registrar of attorneys a certificate that he has successfully passed an examination by special examiners appointed by us, and that such last mentioned examination be held at such times and places as the examiners shall from time to time appoint, and consist of an examination on the subjects specified in the said order of the 26th July, 1861.

1. Now, in furtherance of the said order we hereby order and appoint that the following gentlemen, the Rev. John James Stewart Perowne, M.A., fellow of Corpus Christi College, Cambridge, and Johann Fried Christoph Muncke, of Bruce-terrace, Northumberland Park, Tottenham, a doctor in philosophy in the University of Leipzig, be examiners until the 1st day of December, 1862, to examine every person who shall apply to be examined pursuant to the said Act of 23 & 24 Vict. c. 127, and our order of the 26th July, 1861.

And we direct as follows:—

That the examinations shall be conducted in the Hall of the Incorporated Law Society in Chancery-lane, and at the following towns, under the supervision of two local solicitors, to be appointed by the examiners:

| | | |
|------------|-------------------|------------|
| Oxford | Leeds | Cardiff |
| Cambridge | Newcastle-on-Tyne | Chester |
| Worcester | Durham | Carmarthen |
| Birmingham | Plymouth | Swansea |
| Lincoln | Exeter | Shrewsbury |
| Manchester | Bristol | Salisbury |
| Liverpool | Brighton | Lancaster |
| York | Maidstone | Carlisle |

2. That every person so applying to be examined shall give one month's notice in writing to the registrar of attorneys of

his application to be examined in the subjects specified in the said order of the 26th July 1861, and shall state in such notice the language in which he proposes to be examined under the second part of the subjects of examination therein mentioned, and the place at which he wishes to be examined.

3. That the said examiners shall conduct the examination of every such applicant in the manner and to the extent directed by the said order of the 26th July, 1861, and in no other manner and to no further extent, and that previous to the time appointed for taking each examination the examiners shall leave with the registrar of attorneys a list of the books selected by them for such examination, and a copy of such list may immediately thereupon be obtained from the registrar.

4. That where such examinations take place in London, the following shall be the form of certificate to be given to those who pass a satisfactory examination—

"We certify that
has been examined in general knowledge by us as required by the rules and regulations of the Lord Chief Justice of the Court of Queen's Bench, the Master of the Rolls, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, and we certify that he has passed a satisfactory examination.

Dated the day of ."

5. That where such examinations take place elsewhere than in London, the following shall be the form of certificate:—

"We certify that
has been examined in general knowledge under our direction as required by the rules and regulations of the Lord Chief Justice of the Court of Queen's Bench, the Master of the Rolls, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, and we certify that he has passed a satisfactory examination.

Dated the day of ."

6. That when the applicant has passed a satisfactory examination in one of the languages mentioned in the second part of the subjects of examination, the following shall be the form of certificate:—

"We certify that
has been examined by us [or under our direction] in the
language and we certify that he has passed a satisfactory examination.

Dated the day of ."

A. E. COCKBURN,
JOHN ROMILLY, M.R.
W. ERLE.
FRED. POLLOCK.

Times of Examination in 1862:—

| | |
|-------------------------|------------------------|
| February 10th and 11th. | July 14th and 15th. |
| May 12th and 13th. | October 20th and 21st. |

THE QUEEN has been pleased to direct letters patent to be passed under the Great Seal for appointing the Right Honourable Sir John Romilly, Knt., Master of the Rolls; the Right Honourable Francis Blackburn, Lord Justice of the Court of Appeal in Chancery in Ireland; the Right Honourable James Henry Monahan, Chief Justice of the Court of Common Pleas in Ireland; the Right Honourable Abraham Brewster; the Right Honourable Joseph Napier; Sir William Page Wood, Knt., a Vice-Chancellor; Sir James Shaw Willes, Knt., one of the Justices of the Court of Common Pleas in England; Henry George Hughes, Esq., one of the Barons of the Court of Exchequer in Ireland; Sir William Atherton, Knt., her Majesty's Attorney-General; the Right Honourable Thomas O'Hagan, her Majesty's Attorney-General for Ireland; Sir Roundell Palmer, Knt., her Majesty's Solicitor-General; James Anthony Lawson, Esq., her Majesty's Solicitor-General for Ireland; Sir Hugh MacCalmont Cairns, Knt.; George Markham Giffard, Esq., one of her Majesty's Counsel; Robert Bayley Follett, Esq.; and Richard John Theodore Orpen, Esq., to be her Majesty's Commissioners to inquire into the following matters, with a view to reduce costs to suitors and the expenditure of the public money, and to assimilate, so far as may be practicable, the administration of justice in England and Ireland:—

1. The constitution, establishment, practice, pro-

cedure, and fees of the Superior Courts of Common Law in Ireland;

2. The differences between the constitution and the forms of practice, procedure, and fees of the Courts of Chancery of England and of Ireland.

MR. HENRY PHILIP ROCHE, barrister-at-law, of Lincoln's-inn, has been appointed one of the registrars of the Court of Bankruptcy, in the room of Mr. T. B. H. Abrahall, who has been appointed a commissioner in bankruptcy for the Newcastle district, in the place of the late Mr. Nathaniel Ellison.

MR. FREDERIC EUSTACE MAWE, of No. 12, Belsize-park, Hampstead, has been appointed a London Commissioner to administer oaths in the High Court of Chancery.

THE next quarterly meeting of the Law Students Debating Society, will be held on Tuesday, the 7th of January, next.

ON THE 17th inst., Parliament was further prorogued until Tuesday, the 7th of January, next.

WHAT IS A BANK?

Neither the British public nor the law of England appears to have any definite notion of what is a bank, and consequently both one and the other are in the habit of making serious mistakes upon this subject. We are not now going to descant upon the misfortunes of the shareholders and depositors of the numerous dishonest banking companies which have of late come to a disastrous end. That theme would be too wide for discussion here, nor can it be properly handled until the revelations of the directors of the swindling Bank of Deposit are complete. Our object at present is merely to consider how the Legislature and the judges have defined that notional entity—a bank. The time has come when it seems important to have some right conceptions upon this point. So many bubble companies now-a-days profess to carry on the respectable business of banking, and manage to impose upon the unwary by the assumption of a name to which they have no right, that it is certainly worth enquiring, first, what is it that entitles a joint stock company to assume the name of a bank? and, secondly, whether the assumption of the name ought not of itself to be sufficient for the purpose of including the company within the operation of the statutes relating to banking companies?

As the law now stands, a company may both assume the name and, to some extent transact the business of bankers; and yet not be subject to the enactments which relate especially to the business of banking companies, which, in many respects, stand upon a footing different from that of ordinary companies. It is, nevertheless, a curious fact that none of these statutes define the term "bank" or describe the business of banking. The Joint Stock Banking Companies Act, 1857, permits the registration of "any banking company consisting of seven or more persons legally carrying on the business of banking." The Act which previously regulated joint stock banks in England, the 7 & 8 Vict. c. 113, in like manner speaks of the "trade or business of bankers," but affords no aid towards the interpretation of this term. Under either of these Acts all that appears necessary is that the persons seeking incorporation under the former or registration under the latter should assume the name and affect the business of bankers. No machinery is provided by either statute for scrutinising the pretensions of such companies; nor, on the other hand, for compelling the incorporation or registration of companies which, although they use the name of, and profess to be in reality, a bank, yet do not fulfil the requirements of the statutes regulating banking companies. The result, as might have been expected, is not satisfactory, but, on the contrary, rather perplexing.

The truth is that although our statute book frequently uses the terms which we have already used so often, neither the Legislature nor the Bench has done anything more towards their definition than the enumeration of a great number of particulars, many of which can hardly be deemed to be essential. Whenever, therefore, fraudulent persons desire to constitute what the public shall take to be a bank, without complying with the provisions of the statutory enactments relating to banks, it is extremely difficult either to prevent or to punish such a proceeding; for it is altogether impossible—upon the present state of the authorities—to say what belongs to the essence, and what is merely accidental, in banking business. Suppose the case of a company professedly formed for the carrying on of a bank, but whose rule always required a day's notice for the payment of a cheque—would this be a banking company? Is it necessary that the cheques of customers should always be paid in money, and not by cheques upon other bankers? It would be easy to add to the number of such questions, but we content ourselves with suggesting these only, as they are sufficient to show how indefinite is the conception of a bank in English law—which is the more strange, as there is hardly any branch of our law which is more definitely settled for all practical purposes than that which relates to the ordinary transactions of bankers. The same legal rules would apply to the majority of these transactions, whether they took place with bankers properly so called, or with quasi bankers—except that the latter are more likely, if they are fraudulently disposed, purposely to complicate their relations with their customers, in the hope of escaping the consequences of fraud. But the Legislature has seen fit to distinguish between banking companies and all others; and if this distinction is at all advisable there seems to be every reason why it should be intelligible, and be based upon clear ground. After all the legislation of the past five years upon joint stock companies, it is too bad that there should still be any doubt as to what constitutes a banking company, and, therefore, as to what jurisdiction is applicable to certain important cases.

Under these circumstances would it not be reasonable to treat, at least, all companies which assume the title of a bank, or profess to carry on banking business, as being estopped from denying what they plainly assert when it suits their purpose? It might be difficult to prove that a company not professing to do but actually doing banking business was liable to the statutory provisions affecting such companies; but the rule which we recommend would not only be easy of application, but could hardly be regarded otherwise than as fair and reasonable. In truth, great inconvenience is not unlikely to arise from the absence of such a rule. It was only last week that a vigorous struggle took place before the Lords Justices upon the questions, first, whether the "District Savings Bank Limited" was a banking company; and, by way of corollary, secondly, whether it ought to be declared bankrupt at Basinghall-street, or wound up in Lincoln's-inn. Upon the first point the 9 Geo. 4, c. 92, s. 2, was cited to show that the savings banks were defined as associations "in the nature of banks," and it appeared that the actual business of this company was such as joint stock banks adopt in some of their branches—viz., the receiving of deposits and paying interest to the depositors—as well as the lending on various securities of the funds so deposited, and the discounting of bills. Upon the second point the argument in favour of Chancery was as follows:—By sect. 2 of the Act of 1856 banking companies were excluded from its provisions; by the Joint Stock Banking Companies Act, 1857, sect. 2 of the Joint Stock Companies Act, 1856 was repealed; but by the same Act, banking companies were prohibited from being registered with limited liability; and unlimited banking companies were subjected to the provisions of the Act of 1856, so far as affected winding-up. By the

21 & 22 Vict. c. 91, the prohibition against banking companies being registered with limited liability was removed, and by that Act unlimited banking companies were to be wound up in the same manner as was by the Joint Stock Banking Companies Act, 1857, provided with respect to companies "other than limited companies," thus making the same jurisdiction applicable to the winding-up both of limited and unlimited banking companies—namely, the Court of Chancery.

On the other hand, it was contended that the company was not a banking company, because it did not embrace what was insisted upon as essential to the business of banking—viz., the paying cheques to order. Moreover, that by the Banking Act of 1857 the shares of all banking companies must be £100 shares, whereas these were only £1 shares; that all banking companies must be registered under the Banking Acts of 1857 and 1858, whereas, as a fact appearing by the certificate of registration, this company was not registered under those Acts, but under the Joint Stock Companies Act of 1856; and that a limited company was subject under the last mentioned Act to the jurisdiction of the Bankruptcy Court.

When this matter was originally before Vice-Chancellor Wood, his Honour was not disposed to entertain any doubt upon the subject, as he considered that the name of the company precluded any question about the nature of its operations. The Court of Appeal, however, arrived at a different determination, and the result is that the case is now remitted to the Court of Bankruptcy.

STUBBS' AGENTS.

In another part of our columns will be found the report of a case of *Stubbs v. Lloyd*, the plaintiff being the proprietor of *Stubbs' Gazette*, the defendant the proprietor of *Lloyd's Weekly London Newspaper*. In the result of the trial we confess our great satisfaction. We feel strongly that the system which has been growing up of publishing "Lists" and "Gazettes" of the kind discussed, is a most pernicious one, and productive oftentimes of cruel and disastrous consequences. The proprietor of *Lloyd's Weekly Newspaper* has, therefore, deserved well of the community for boldly standing the brunt of an action at law, when a timely submission and apology might, probably, have secured him from all costs, but would have, in a high degree, promoted the interests of Mr. Stubbs. It was a case eminently for a jury of twelve men, above reproach, chosen from the community, to decide. Such a tribunal, composed as it must necessarily be for the most part of tradesmen, might be thought rather favourable to the plaintiff; the more so, too, perhaps, because it was a special jury, and consisted, therefore, of a class raised by worldly success above the struggling tradesmen, who, because they might figure in such "lists," would, probably, have a spite against them. Yet, with all these advantages, Mr. Stubbs must have been painfully disappointed. The verdict in his favour, with one farthing damages, may fairly be interpreted as a condemnation by the very class whom he proposes to protect, of the system put forward as their safeguard. They therefore, while unable to say that the article in question was not, strictly speaking, a libel, valued the injury done to the plaintiff's feelings and character, by its very strong remarks, at one farthing. But if tradesmen, with every temptation to decide partially, being as it were judges in their own cause, perhaps smarting under imposition by swindlers, and moved thereby to desire, on slight evidence, the exposure of all they deem such, can exhibit in the discharge of public duty a high-minded disregard of selfish interests, and condemn the system on public grounds, what should be our opinion of those in our own profession, who are willing agents in its administration? Is it credible that there are 700 attorneys in

England, Ireland, and Scotland, identified with this "mercantile institution?" We fear so. A list lies before us of "legal agents" to certain "Trade Protection Offices." We look at the names, wondering who are these that pick up the crumbs which fall from their master's table. It appears they sometimes need correction, and no doubt submit to it; for at the top of the list of legal agents, in attractive letters, is this notice, "Subscribers having any cause of complaint should immediately advise the secretary, &c." Perhaps, however, the profit is large—the retainer tempting enough to overbear all independence, to compel ready submission. There is, it seems, a talisman confided to every subscriber which he has only to exhibit to one of the faithful 700 to extort a respectful salutation, and a ready exclamation of, "say on! thy servant listens." We read in the rules "when you have a debt to collect in your town, consult the solicitor for your own district, showing him your certificate entitling you to his assistance;" and this: "Do not forget to send six postage stamps with each debt." These are some of the crumbs. Lastly this: "In case of the recovery of the debt and costs from the debtor, no further charge is made by the solicitors, excepting when proceedings have been instituted in the English county courts, Irish civil bill courts, or sheriff courts of Scotland, on behalf of the subscribers, in which cases a commission of two and a half per cent. is charged on the amount recovered. . . . Where the costs are not obtained from the debtor the only charge to the subscriber is the actual disbursements made by the solicitor in the prosecution of the case." The terms are "no cure, no pay." Two conclusions are forced upon us, that large numbers of tradesmen support this system and that many members of our honourable profession have condescended to receive perquisites from its promoters. Of the trading community—whose error we regret, not despise—we would ask, do you expect from the humble slave of the subscriber's certificate ability and attention? Surely you know ability demands and deserves good wages. You offer mean terms. He who takes them can hardly but be inferior in his profession, or he would not stoop to such employment. But suppose you find ability, how can you hope for that attentive regard to your interests which they require?

It is unreasonable to expect that the services of skillful and reliable men can be obtained without fair compensation, which certainly is not paid under the Stubbs' system, the effect of which is to degrade the profession. It must not be forgotten, however, that in some of the more remote country districts—where the amount of business is small, and the greater part of it consists in the collection, and recovery of trifling debts—many respectable and worthy men have been compelled by the force of circumstances to accept an appointment from Mr. Stubbs. We lately received from a country correspondent a letter urging us to remember this fact, whenever we alluded to the subject. It, unfortunately, is too true that in some localities respectable practitioners have no choice between losing a considerable proportion of their business, and accepting an agency of a disagreeable and derogatory character.

The Courts.

ROLLS COURT.

(Before the MASTER OF THE ROLLS.)

Dec. 16.—*Lord Worsley v. Edwin James and Others.*—It will be remembered that a few days since the plaintiff obtained leave to give notice of motion for this day to restrain the defendants from negotiating certain bills of exchange drawn upon and accepted by the plaintiff. The Court, however, was informed that the suit had been compromised, the plaintiff withdrawing all imputations upon the conduct of the defendants, the bankers.

COURT OF QUEEN'S BENCH.

THE DEATH OF THE PRINCE CONSORT.

Dec. 16.—The Lord Chief Justice COCKBURN, on taking his seat this morning, said,—"I and my learned brethren have been deliberating whether it be right and becoming to sit in the courts to-day, and if we could have given any notice to the numerous suitors, witnesses, and others who are called here to assist in the administration of justice, we should have been most glad to take the opportunity of marking our deep sense of the national calamity and irreparable loss which we have sustained. But, considering the vast expense and inconvenience to the suitors and other persons to whom I have referred, we have thought that, upon the whole, we are best discharging our duty, and doing that which our gracious Sovereign would desire, by not suspending the administration of justice."

Dec. 18.—In reply to an application from Mr. Lush to fix a case for Friday,

The LORD CHIEF JUSTICE said it would very much facilitate the dispatch of business if attorneys would fix the venue of such cases as the one which they were then trying in Middlesex, and try them at Westminster, so as to leave the time of the sittings at Guildhall as free as possible for the trial of commercial cases. Gentlemen who had no experience whatever of commercial matters could just as well have tried the case.

COURT OF EXCHEQUER.

(Sittings at Nisi Prius at Guildhall before the LORD CHIEF BARON and Special Juries.)

TRADE PROTECTION SOCIETIES—LIBEL.

Dec. 17.—*Stubbs v. Lloyd.*—This was an action against the defendant the proprietor of *Lloyd's Weekly London Newspaper*, for a libel imputing to the plaintiff, of Stubbs' Trade Protection Society, improper conduct in connection with the publication of *Stubbs' Gazette*, of which he is the proprietor.

Mr. Serjeant *Shee*, Mr. *Hawkins*, and Mr. *D. D. Keane*, were counsel for the plaintiff, and Mr. Serjeant *Ballantine* and Mr. *C. H. Hopwood* were counsel for the defendant.

During his cross-examination by Mr. Serjeant *Ballantine*, the plaintiff gave the following evidence:—

Mr. Serjeant *Ballantine*.—Now what do you call your legal agents?—That refers to the collection of debts. I mean solicitors who attend to the business of subscribers on the terms mentioned in the prospectus.

Oh, then you are also a debt collector?—I am a debt collector through 700 solicitors.

Gracious, do you keep 700 solicitors, and yet the world continues to exist (great laughter). Do you keep them or do they keep you (laughter)?—I suppose they keep themselves.

On the system of half charges?—No, my subscribers are entitled to the services of the solicitors at a less charge than usual.

At the conclusion of the defendant's case,

The LORD CHIEF BARON summed up, observing that he could not justify the practice under which A. could complain of B., and then B. should be placed under the surveillance of 700 attorneys.

The jury returned a verdict for the plaintiff, damages one farthing.

COURT OF BANKRUPTCY.

(Before Mr. Commissioner GOULBURN.)

Dec. 14.—*In re Archibald Duffie Kidd.*—This was an adjourned examination meeting. The bankrupt was a straw bonnet manufacturer, of Fore-street.

Mr. *Bagley* with Mr. *Stuart* appeared for the assignees; Mr. *C. E. Lewis* for creditors; and Mr. *Sargood* for the bankrupt.

Mr. William Hunt was called to give evidence on the part of the assignees, but he objected to take the oath.

In answer to the Court, Mr. Hunt stated that he considered himself a Separatist. When on a jury at the Old Bailey some years ago, he made the same objection, and it was allowed. The taking of an oath appeared to him to be a Popish form, and he could not see any reason why the book should be kissed. After ample consideration he had come to the conclusion that it was only necessary to affirm. In this he was fortified by the opinion of Mr. Backhouse and other members of the Society of Friends; and he did not agree with the Articles of the Church of England which provided for the taking of an oath.

The COMMISSIONER was not aware that either of the Thirty-nine Articles provided for the taking of an oath.

Mr. Bagley asked that the evidence of the witness might be received.

The COMMISSIONER said it did not appear that the witness had any reasonable ground for refusing to take the oath. It seemed to him that the witness talked nonsense; that he laboured under some kind of delusion. He would not receive his evidence.

Mr. Hunt bowed.

Mr. Bagley pressed the Court to receive the statement of Mr. Hunt. The case of the assignees could not well be comprehended without his evidence.

The COMMISSIONER again said that he would not receive the evidence.

Mr. Bagley then intimated that it would be useless for him to proceed. He would call no other witnesses, and he would withdraw from the case.

After Mr. Simmonds, of the firm of Simmonds and White, warehousemen, Gresham-street, had been called by Mr. Lewis, and had given his evidence,

The COMMISSIONER asked Mr. Bagley whether he still declined to address the Court?

Mr. Bagley.—I most respectfully do, Sir.

Mr. C. E. Lewis then proceeded to address the Court for his clients. He made some very strong observations upon his Honour's refusal to hear Mr. Hunt. His Honour had stated in effect that he disbelieved Mr. Hunt when he said that he objected upon good religious ground to take the oath. To his (Mr. Lewis's) certain knowledge, Mr. Hunt was a highly respectable man. He ventured to say that such a scene had never occurred in any court of justice. Mr. Lewis then referred to an Act of Parliament, the 3 & 4 Will. 4—an Act passed for the abolition of unnecessary oaths, and for the substitution of simple forms of affirmation.

The COMMISSIONER.—Were you in court when Mr. Hunt gave his reasons for refusing to take the oath?

Mr. C. E. Lewis.—No; but I have correctly informed myself of what took place.

The COMMISSIONER.—Mr. Hunt gave as one reason that he did not agree with one of the Thirty-nine Articles which provided for the taking of an oath. There is no such article.

Mr. C. E. Lewis said, he had felt it his duty to make these observations, notwithstanding the opinion of the Court. He then proceeded to refer generally to the circumstances under which the bankrupt had obtained the goods from Messrs. Simmonds & White, and pressed for an adverse judgment.

The further hearing was adjourned.

Dec. 16.—This case again came before the Court.

His Honour, having requested the solicitors to appear before him, referred to the first section of the 24 & 25 Vict. c. 66, which provides that "if any person called as a witness in any court of criminal jurisdiction, or required or desiring to make an affidavit or deposition in the course of any criminal proceeding, shall refuse or be unwilling from conscientious motives to be sworn, it shall be lawful for the Court or judge, or other presiding officer, or person qualified to take affidavits or depositions, being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration." The Common Law Procedure Act contained a similar enactment, but only as to civil matters. Now, a newspaper which he had seen, and which generally reported cases in that court very accurately, *The Times*, gave no reason why Mr. Hunt refused to give evidence on oath further than that he did not agree with the article of the Church of England which allowed a person to make an oath when called upon by the Legislature to do so. He (the Commissioner) was inaccurate when he said there was no such article; but still the fact of Mr. Hunt's disbelief in the article referred to could be no reason for his refusal to give evidence on oath. His Honour requested the statement of Mr. Hunt to be read.

The shorthand writer, who took down the evidence, read as follows:—

"Through reading some books written by Mr. Backhouse, who is connected with the Society of Friends, through conversation with other friends, and through reading in the New Testament, 'Swear not at all; let your yea be yea, and your nay be nay,' and so on, the conviction increased in my mind that it was not right to do more than solemnly affirm; and that if a man could not speak the truth at all times without an oath he was not to be believed at any time, and I do hope that by the grace of God I do universally speak the truth, here and at all times. Inquiring further as to what was generally understood by the words in the oath 'So help me God,' the best informa-

tion that I could get on the subject was that I called on the Almighty in the extremity of my soul, at the day of judgment, not to render me any assistance in any matter I went beyond the truth; and knowing that we see things sometimes with prejudiced eyes, and in a manner different to what they really exist, and, fearing that I might either in the heat or confusion of cross-examination, or from other causes, overstate, or gloss over, or extenuate, or in any manner go from the strict, plain, unvarnished truth, I was afraid to call upon God not to assist me in such a dire extremity as my soul would be in at the Day of Judgment if I at all went beyond the truth in these matters; I came to the conclusion gradually. Before I came to the conclusion positively that I would subject myself to any inconvenience rather than take an oath, some years elapsed; I came to that conclusion about three years ago. I cannot say the exact time to a year or six months. It was a gradual belief that the course I had adopted was a proper course, and one which it would be right to follow. The more I thought and conned over the matter the more I became persuaded of it."

His Honour continued.—On Saturday I was under the impression that it was the duty of the Court to inquire into the sincerity of the objection of the witness. But it would seem from the cases that the Court ought only to take the witness's own assertion as to his sincerity. I had no reason for giving offence to Mr. Hunt; I was merely performing what I believed to be my duty. With these observations I will direct a summons to be issued for Mr. Hunt's examination on Thursday.

Mr. J. N. Mason, solicitor to the assignees, said it was his duty as an officer of the court to take any course his Honour might think necessary. But he could not say whether Mr. Hunt would be able to come on the day named.

The COMMISSIONER.—I believe Mr. Hunt to have been sincere in his objection.

Mr. Mason said that no doubt it would be satisfactory to Mr. Hunt to hear this expression of his Honour's opinion.

The COMMISSIONER.—Let Mr. Hunt be summoned for Thursday.

Dec. 17.—*In re John Porter, a solicitor*.—The bankrupt a solicitor, late of Lincoln's-inn-fields, applied for his discharge from custody, but, in the absence of notice to the detaining creditor, the application stood over. The debts are stated at £34,000, against assets *nil*. The bankrupt, who had been 7½ years in prison, attributed his difficulties to engagements and responsibilities for clients.

The New Registrar.—Mr. Roche, of the Chancery bar, the newly-appointed registrar, took his seat on Tuesday, and presided at several first meetings.

A peculiar application, under the new Bankruptcy Act, was made in the Liverpool Court on the 9th inst. A Mr. Hugh Matheson, who started in business in that town in 1849, and who failed two years afterwards for a very large sum, and with assets which have yielded a fraction over a penny in the pound, prayed to be delivered from the consequences of the refusal of his certificate in 1851, and to be allowed a discharge under the new law. The original refusal was grounded on the fact that without a shilling of capital, he had carried on reckless speculation; and it appeared that in the nine subsequent years he had been living abroad, his friends meanwhile having offered to the creditors a compromise of £5,000, which was rejected. The plea of his counsel was that, under the circumstances, he had suffered enough, that the case was one for mercy, and that it was a hardship he should continue to be prevented from "getting his living as a trader." On the other side it was contended that the point for the Court to consider was whether the petitioner was a proper person to be allowed to come again into the commercial world, and to enjoy once more the chance of being able to incur enormous debts without the smallest prospect of any means of meeting them. The Commissioner decided in the negative, and the application was dismissed with costs, whereupon notice of appeal was given.

CENTRAL CRIMINAL COURT.

(Before the RECORDER.)

Dec. 16.—Upon the names of the grand jury being called over two of the gentlemen who had been summoned to serve as grand jurors refused to be sworn.

The RECORDER inquired upon what ground they declined to take the oath.

They both stated that they had a conscientious objection to

take an oath, as they believed it was contrary to the law of God.

The Lord Mayor observed that this was no legal ground of exemption, and if it were to be admitted as an excuse any gentleman who desired to avoid the performance of his public duty might effect that object by making a similar objection.

One of the gentlemen said he had no objection to perform his duty as a grand juror.

The Recorder said that he could not legally exercise the functions of a grand juror without being sworn; and if he refused to be sworn the Court had no alternative but to inflict a fine in each case.

The gentleman said that his conscience would not permit him to take an oath, and he would rather lose his life than do so. He must therefore submit to any course the Court thought proper to take in the matter.

The grand jury then retired to select their foreman, and upon their return into court twenty-one of the gentlemen answered to their names and took the required oath, but the others still refused to be sworn.

The Recorder, after consulting with the Lord Mayor, said it was a painful duty that was cast upon the Court, but he had no alternative but to inflict a fine upon the two gentlemen who refused to be sworn. The Act of Parliament relieved certain parties from taking an oath, and none but those so specified were entitled to exemption, and it would be very unfair to cast the duty that devolved upon them upon others, by a mere refusal to take the oath, and it would not do to allow such a proceeding to be made a precedent. He then ordered each of the objecting jurors to pay a fine of 40s.

The fines were paid, and the gentlemen then left the court.

John Cross Smith, whose case was postponed from the last session, was indicted for feloniously omitting to surrender and pass his examination at the Court of Bankruptcy, after he had been duly adjudicated a bankrupt and notice served upon him, in conformity with the Act of Parliament requiring him to do so, with intent to defraud his creditors.

At the close of the case for the prosecution Mr. Metcalfe, who appeared for the prisoner, took some technical objections to the indictment, the principal one of which was that by the new Act under which it was framed, the offence of felony, as far as regarded this particular offence, was entirely swept away, and he urged, therefore, that the prisoner could not be convicted upon the present charge.

Mr. Serj. Pury, in support of the prosecution, contended that it was clearly the intention of the legislature to continue the offence and the penalties attached to it, and merely to alter the character of it from felony to misdemeanour.

Mr. Metcalfe, said that this court had nothing to do with the intentions of the legislature,—it was bound by the strict letter of the Act of Parliament; and he submitted that the prisoner could not be convicted of an offence which had been abolished and swept away.

The Recorder said he would not stop the case, but he thought there was sufficient point in the objection to justify him in reserving it for further consideration by the judges.

Mr. Metcalfe, then addressed the jury for the defence, and the Recorder having summed up the jury returned a verdict of guilty.

Mr. Metcalfe, said that, as some considerable time must in all probability elapse before the point of law could be argued or decided, he was instructed to apply to the Court to permit the prisoner to go out upon bail.

Mr. Atkinson intimated that he should feel it his duty on the part of the prosecution to oppose the application.

The Recorder said he would consult the judges on the matter before he decided upon it.

ASSIZES.

YORK.

(Before Mr. Justice WIGHTMAN.)

CRIMINAL PROSECUTIONS—ALLOWANCE TO WITNESSES.

Dec. 14.—The grand jury having returned several true bills, and, there not being any more to go before them,

Sir J. V. B. Johnstone, the foreman of the jury, addressing his lordship, said he would take the liberty of presenting a memorial from the grand jury, which was couched in similar terms to the one which had already been presented in that Court on a former occasion, relative to the inadequacy of the remuneration allowed to witnesses, both at assizes and quarter sessions, which often prevented justice being done, and witnesses from coming to give evidence. It was the opinion of

the grand jury that the allowance was insufficient in a great many cases, and led to a failure of justice.

The memorial was then handed to his lordship, and the following is a copy of it:—

"The Grand Jury for the county of York, at the winter gaol delivery in December, 1861, desire most respectfully to call the attention of the Hon. Mr. Justice Wightman to the scale of allowances to prosecutors and witnesses in criminal cases at assizes and quarter sessions, as being quite insufficient adequately to remunerate those in the humbler walks in life, who are necessarily called away from their families and ordinary occupations, for their expenses and loss of time, by which last expression the grand jury understand the statutes 9th George IV., cap. 64, sec. 22, and the 14th and 15th Victoria, cap. 55, to mean the reasonable allowance for the loss of their wages during the time such witnesses are necessarily absent from their homes and their work. Those of the grand jury who are acting justices are not unfrequently very much embarrassed by the extreme reluctance of material witnesses to come forward to prosecute and give evidence in criminal cases of the gravest kind, as well as in all other cases likely to be sent for trial at assizes and quarter sessions. The grand jury are of opinion that justice is greatly impeded, and in many cases defeated, by the inadequate remuneration awarded under the present scale of allowances.

"J. V. B. JOHNSTONE, Foreman.

His LORDSHIP, having informed the grand jury that their memorial should be forwarded to the proper quarter, discharged them in the usual terms.

Another step, dictated by the spirit of economy, has been taken in a number of instances at these assizes. It frequently happens that, when some daring ruffian or expert thief has been apprehended, two or three charges are brought against him before the magistrates, who, in the exercise of the important public duty imposed upon them, hear the evidence in support of these accusations, and if the charges are such as they have not the power summarily to deal with the prisoners are committed to the assizes to take their trials, and the witnesses are bound over to prosecute and give evidence in the several cases. It must be assumed that, acting on orders from the Home-office, the officers whose duty it is to tax the costs of prosecutions, have taken such cases into their consideration, and have sat in judgment on the proceedings of the magistrates. It is true that the acting magistrates may have spent many hours in careful and painstaking inquiries into several charges preferred before them against a prisoner, conceiving that they are bound so to do, and to commit him for trial on those several charges; and possibly if the grand jury, which is an assemblage of the magistrates of the county, said, when the several charges came before them, "We think the ends of justice will be obtained if we find a bill against the prisoner in one or two cases and ignore the rest," there would not be much ground of complaint. The acts of the magistrates sitting in petty sessions would, at any rate, be reviewed only by their whole body sitting as grand jury. But it does seem a strong measure that by an unseen and irresponsible agent the labours of the magistrates at petty sessions in investigating several charges against a prisoner, which they are bound to do when preferred, should be quietly shelved to save a fraction of the expenses of the trial, the witnesses being bound over, and in attendance, and the attorney's brief generally already prepared; and that one case out of several against a prisoner should be selected on which to proceed, and run the chances of obtaining a conviction. But when it is recollected that this selection of the case to send before the grand jury is not made by the judge, or by counsel employed for the purpose, of adequate experience, or by the grand jury, but by the taxing officers, it is not surprising that such an extraordinary innovation and such an anomaly should lead in many instances to a failure of justice. The day before, an instance occurred where a man tried for sacrilege, one of several cases on which he was committed, and found guilty on this, the only bill preferred against him, took a legal objection which his lordship seemed to think valid; and it was only by his lordship's interference, on the representation of the counsel engaged of the fact that other cases against the prisoner had not been sent before the grand jury, that another bill was ordered immediately to be preferred before they were discharged, on which the prisoner was conclusively found guilty. But for this the prisoner would certainly have escaped the penalty of his offences and the whole expense of his trial would have been thrown away. Of course no one can find fault with economy properly exercised; but when the whole cost of the administration of justice is incurred in order to bring offenders effectually to

justice, so to contrive that the worst offenders, who have committed more than one offence often escape, would seem to ordinary minds to be not economy, but great extravagance. It is another version of the old adage, "for want of a ha'porth of tar the ship was lost"—a fractional additional expense in preferring a second bill would secure beyond doubt, in many cases, the conviction of a criminal.

WORCESTER.

(Before Mr. Justice WILLES).

Dec. 11.—*Ether Fleetwood*, servant, was indicted for committing wilful and corrupt perjury at Oldbury, on the 27th of September last, in her evidence as a witness in the trial of a cause in the county court, at Oldbury.

Mr. *Powell* appeared on behalf of the Crown. The case was laid under the direction of the county court judge.

Mr. George Watson, registrar of the county court at Oldbury, gave evidence of the circumstances under which the perjury was committed.

His LORDSHIP asked whether there was any written evidence of the statement which was alleged to constitute the perjury? Mr. *Powell* said no, there was not.

His LORDSHIP thought, then, that the case could not be proceeded with. How could the registrar, at the lapse of three months, swear to the very words used by a witness. If there was no written evidence of the transaction, he did not see how Mr. Watson's testimony could be allowed, although, of course, that gentleman was a highly respectable person.

Mr. *Powell* having replied, the case was proceeded with.

The jury acquitted the prisoner.

The learned judge said that every person who was acquainted with the county court judge, by whom these proceedings were instituted, would be aware that the learned gentleman must have considered he had very good reasons before adopting the course he took in this matter. He wished to observe, however, that in future it would be advisable for the judge of a county court to have the evidence in a case of this kind carefully taken down by the registrar, or other officer of the court, or else to engage the services of a short-hand writer, and then bind him over to give evidence and produce his notes at the trial. The learned judge added that he did not make these remarks with special reference to this case, but in order that they might serve as a guide for the future.

MIDLAND CIRCUIT.—NORTHAMPTON.

(CROWN COURT.—Before Mr. Baron MARTIN.)

Dec. 13.—The grand jury, just before their discharge, made the following presentment:—

"The grand jury serving at this assize think it their duty to represent to your lordship that they do not see in the number or description of the cases that have been brought before them any sufficient reason for putting the county to the expense and inconvenience of holding an assize at this unusual season. The grand jury are at all times ready to give their best assistance in executing the duties devolved upon them, but they are of opinion that the winter assize might have been dispensed with, without prejudice to and party; and they hope that your lordship will forward their opinion to the proper department of her Majesty's Government."

Mr. Baron MARTIN said that a similar presentment had been made in Norfolk, and his opinion was that the assizes had been held there in consequence of the number of arsons in that and the neighbouring counties. The judges had nothing to do with deciding upon a winter assize. A communication was made by the Secretary of State to them, directing that assizes should be held, and all the judges had to do was to make arrangements for holding them. He would forward the memorial to the proper quarter; but it would be better if the matter were brought before the Secretary of State by their county members as it might be thought that the judges wished themselves to escape the labour.

MANSION HOUSE—POLICE COURT.

(Before the LORD MAYOR.)

Dec. 18.—Mr. Henry Wells, a solicitor, of No. 14, Gray's-inn-square, was again brought up, charged with feloniously uttering two forged powers of attorney, one for the sale and transfer of £2,400, New £3 per Cent. Annuities, and the other for the sale and transfer of £3,266 1s. 9d., Reduced £3 per Cent. Annuities.

Mr. *Freshfield*, solicitor to the Bank, again attended to conduct the prosecution. Mr. *Lewis* defended the prisoner.

On the previous hearing evidence was given proving the utterance by the prisoner of a forged power of attorney for the sale of the £3,266 1s. 9d., and the transfer and sale of that stock, and payment of the proceeds to the prisoner. Evidence was now given to prove the utterance of the second power of attorney by the prisoner, and the sale of the other sum of stock, and the payment of the proceeds to the prisoner.

The prisoner, having been duly cautioned by the bench, said he should reserve his defence.

The LORD MAYOR committed him to Newgate for trial at the Central Criminal Court.

Recent Decisions.

COMMON LAW.

FALSE IMPRISONMENT.—WHAT MAY BE RECOVERED AS SPECIAL DAMAGES.

Hoey v. Felton, C.P., 10 W. R. 78.

This is a fresh decision upon that prolific question as to what special damages are too remote to be recovered in an action independent of contract. Where the action *does* arise "ex contractu," the admirable rule laid down in *Hadley v. Baxendale* (9 Exch. 341), and since so often discussed, and invariably adopted with approval by the judges, is, in most cases, a sufficient guide. But there is, we apprehend, no single decision of the same nature, with regard to costs. In the present case, the action was for false imprisonment; and the plaintiff inserted in his declaration an allegation of special damages, which consisted of his having by reason of the illegal arrest, and of the illness thereby occasioned, lost an engagement which would have been a profitable one to him. The judge who heard the case rejected this evidence as too remote; and the Court supported him, chiefly on the authority of "*Mayne on Damages*," p. 14, a work to which they pointedly referred, and warmly eulogised. It may be collected from the judgment delivered, that the loss of the engagement might have been considered by the jury if it had immediately followed upon, and been occasioned by, the arrest of the plaintiff; but that the defendant was not responsible for the plaintiff's not choosing to keep the appointment at which he was to obtain this engagement, because he did not feel well—it not being suggested or proposed to be proved that he was too unwell to go if he thought proper.

CRIMINAL LAW.

FALSE PRETENCES—LARCENY BY BAILEE—HUSBAND AND WIFE.

Reg. v. Moseley; *Reg. v. Robson*, C. C. R., 10 W. R. 61.

The single point of the first of these cases, was whether a man could properly be convicted on an indictment charging him with having obtained a sum of money by false pretences from A., whereas the evidence showed that the money was handed over to him (in the absence of A.) by A.'s wife, in obedience to her husband's orders, transmitted by the prisoner. It certainly is matter for regret that a case should have been granted on such a frivolous ground, and that the Court of Sessions was not able to withstand the importunity of the prisoner's counsel; as such cases only waste the time of the Court for the Consideration of Crown Cases Reserved, and entail unnecessary expense. It requires no argument to show that as the wife herself could have no property in the money obtained, it was properly laid in the indictment as belonging to her husband, and that she handed it over to the prisoner simply as her husband's agent. No counsel appeared on either side, and the Court simply affirmed the conviction.

The next case also has to do with the relationship which exists between husband and wife, but is more special in its character, and indeed raised a question of some nicety and interest. The indictment contained two counts: the first framed under the Fraudulent Trustee Act of 1857 (20 & 21 Vict. c. 54) sect. 4, which enacts that any bailee of any property who shall fraudulently take or convert the same to his own use or to the use of any person other than the owner thereof, shall be guilty of larceny, although such person shall not break bulk or otherwise determine the bailment; and the second count was an ordinary count for larceny. Now, the prisoner was a married woman, and she kept a lodging-house, in which her

husband as well as herself resided; but he in no way whatever interfered with her management of the house, nor was in any way whatever cognisant of her being about to commit the offence with which she was charged, viz., that of abstracting feloniously some money from a box belonging to a lodger, which box she had taken charge of at his request. It was urged upon the Court on behalf of the prisoner that she could neither be convicted on one of these counts nor on the other, and must consequently be discharged; for with respect to the first, it was not she but her husband, who was a bailee, as every bailment is matter of contract, and a married woman cannot bind herself by contract. And with respect to the second, that she could not, as a married woman, be guilty of larceny with respect to goods belonging to her husband, and that the goods being, in legal effect, bailed to her husband, became his goods for the purpose of her exoneration, by reason of that doctrine.

The Court, however, disposed of this line of argument very shortly, by saying that she was either a bailee or not; if a bailee, she was properly convicted on the first count; if she was not, then she was guilty of larceny, and properly convicted on the other. Mr. Baron Martin (by whom the case had been reserved) added that, in his opinion, there need not be any specific contract of bailment, in order to make a person a bailee within the meaning of 15 & 16 Vict. c. 54, s. 4.

It may be well to remark, that the above statute is one of those repealed by the 24 & 25 Vict. c. 95 (the Criminal Statutes Repeal Act of last session). Most of its provisions, however, have been worked into the Larceny Act (24 & 25 Vict. c. 96), and, in particular, this 4th section of the Act of 1857, is re-enacted in sect. 3 of the present statute; with the addition that the offending bailee may be convicted on an indictment (that is to say, it is apprehended, on an indictment containing but a single count, and that for larceny) charging him with larceny; and, on the other hand, a proviso that the provision is not to extend "to any offence punishable on summary conviction"—that is to say, by justices, under the 10 & 11 Vict. c. 82; 18 & 19 Vict. c. 126; and 19 & 20 Vict. c. 118.

It may also be observed in reference to the words "although he shall not break bulk, or otherwise determine the bailment," which seem to require some explanation, that by the doctrines of the common law a bailee could not commit larceny by converting the bailment to his own use while the contract of bailment continued; but that one method of determining such contract was to "break bulk"—as to open a parcel or parcels entrusted to the bailee. If he so broke bulk, then his subsequent appropriation of the bailment was larceny. It was to get rid of this technicality, which often used to stand in the way of a conviction, by the prosecutor not being in a condition to prove the breaking of bulk when the prisoner was a bailee of the goods stolen, that the provision in the Act of 1857 was framed.

DISORDERLY HOUSE, INDICTMENT FOR KEEPING—WHERE LIABLE.

Reg. v. Charles, C. C. R., 10 W. R. 62.

This case establishes conclusively that a person may be indicted for keeping a brothel or other disorderly house, at a borough quarter sessions, as well as at the quarter sessions for the county. There is, of course, no doubt that the general jurisdiction of all courts of quarter sessions extends to this offence against the peace and economy of the realm; but some difficulty seems to have been felt by the recorder in the present case by reason of the statute (25 Geo. 2, c. 36), on which the indictment was framed speaking of the prosecution of such offenders "at the next quarter sessions or at the next assizes to be holden for the county" in which the *locus in quo* lies. It seems abundantly clear, however, that the words "for the county" apply only to the word *assizes* immediately preceding, and not to the whole sentence; and the Court of Appeal approved the conviction, accordingly, without hearing counsel in its support.

Correspondence.

HATCH v. LEWIS—COSTS.

In the editorial comments appearing in your last week's issue upon the recent case of *Hatch v. Lewis*, it is stated (p. 107) that under the County Court Acts, 13 & 14 Vict. c. 61 and 15 & 16 Vict. c. 54 "a plaintiff in a superior court who recovers in an action which might have been tried in a county court, less than £20 on a contract or £5 on a tort,

has no costs unless the judge who tried the cause will certify that there was sufficient reason for bringing the action in the superior court."

If I mistake not, this statement is too broad, so much so, as to be erroneous, and I therefore direct attention to it. The law as here laid down in reference to actions of contract, would be that a London creditor, suing a debtor resident, say in Birmingham, for £10, in an action of debt in the superior court, and recovering that amount upon a trial (whether at assizes, before the sheriff, or before a county court under the provisions of 19 & 20 Vict. c. 108, s. 26, or otherwise, if trials can be otherwise had) could not obtain his costs without a certificate from the judge who tried the cause.

This, I contend, is not so. In such a case the plaintiff deprived in the first instance, indeed, of his costs, by the operation of the 11th section of 13 & 14 Vict. c. 61, goes before a judge at chambers, or to the court wherein the action has been brought, and establishes to the satisfaction of such judge or court, in accordance with the 4th section of the 15 & 16 Vict. c. 54, that the action is one wherein concurrent jurisdiction is given to the superior courts. This he may do in the case supposed by proving that he dwells more than twenty miles from the defendant, and thereupon he obtains, and must obtain, as it appears to me, under the Act last referred to, his full costs.

In all cases upon contract wherein concurrent jurisdiction exists, I think the plaintiff not only may, but must obtain, his costs, whatever may be the amount recovered, upon compliance with the requisites of 15 & 16 Vict. c. 54, s. 4, notwithstanding that the action might be brought in the County Court.

I limit the observation to cases upon contract, because I apprehend that in tort, where less than £5 is recovered, a certificate may be given under section 34 of the Act of 1860, by the judge who tried the cause, so as to deprive a plaintiff of costs, which, but for such certificate, he would be entitled to, under the other legislative provisions referred to.

I shall feel much obliged by the correction of my views, if they are wrong; I advance them with diffidence, being well aware of the general soundness and accuracy of the editorial comments of your journal.

It is much to be regretted that the law of costs, upon the recovery of small sums, whether in actions of contract, or of tort, should be so complicated as it now is. There are several other enactments upon it in force besides those above-mentioned, from the 43rd Eliz. cap. 6, downwards; and in consequence the law is just what law should not be, difficult to ascertain, and self-conflicting and contradictory when ascertained. I am not familiar with any decided case upon section 34 of the Act of 1860, but I venture to suggest that in any case where a jury found more than purely nominal damages, a judge would scarcely be willing to give such jury a "slap in the face," so to speak, by certifying "that the action was not fit to be brought."

W. S. A.

Birmingham, 18th December, 1861.

P.S.—If any useful little brochure on this subject exists possibly some correspondent will kindly refer me to it.

[The writer of the comments in question did not think it necessary to guard himself against being supposed to include the case of concurrent jurisdiction, which was quite beside the point under discussion. It involved only the question, whether the amount of the judgment recovered is to be always conclusive as to the tribunal which ought to have been selected? With regard to what W. S. A. says as to the 23 & 24 Vict. c. 106, s. 34, this section would probably have the effect which he suggests, in an action of tort, where less than £5 was recovered, and would have empowered the judge to certify so as to deprive the plaintiff of costs, even though (so far as the County Court Acts were concerned) he would be entitled to have them by reason of the jurisdiction being concurrent. But, to our minds, it is very doubtful whether the Legislature intended in this section to interfere in any way with the provisions of the County Court Acts.—Ed. S. J.]

COPIES OF AFFIDAVITS—CHANCERY.

Some time ago you inserted a letter pointing out the defect in the orders that there is nothing rendering it incumbent on a solicitor to apply to the opposite side for copies of affidavits, and nothing to prevent his getting office copies instead. The

very case occurred recently. A solicitor, in a hostile snit, having applied for copies, but refusing to wait the forty-eight hours, the copies were declined to be furnished except under the 6th rule of the 38th Consolidated Order, the affidavits being very long, and the solicitor applied to not choosing to pay a stationer for copying. Thereupon the other solicitor stated he should get office copies, and did so. It is singular that no penalty whatever should be attached to the disobedience of the 4th rule of the 36th Consolidated Order (the 2nd article of the 1st Order of 25th October, 1852). The 12th rule provides for the (very unlikely) case of a solicitor refusing to supply copies, but I have the authority of one of the most eminent of the taxing-masters for saying that if a solicitor chooses to take office copies he may do so. The question is very important to solicitors practising chiefly in Chancery—more especially to the large agency houses, and I beg their attention to the matter in the hope that a new order may be framed dealing with the case. A MANAGING CHANCERY CLERK.

ARCHBOLD'S COUNTY COURT PRACTICE—5TH EDITION.

In March, 1857, I purchased the 7th edition of this practice, and as five years have since nearly expired, and very many decisions given on, and Acts passed altering, the county court law during that period, I last week was pleased to see that Mr. Archbold had published a new edition, the 8th, of this work. I ordered a copy, and naturally expected to see the law brought down to the present time, but judge my surprise when I found this new edition was word for word the same as the old edition published in 1857—with this exception, that sixty pages of the body of the old work, which contained the practice under the protection and insolvent law, were omitted, and the like number of pages on "proceedings in the county courts under the Bankruptcy Acts 24 & 25 Vict. c. 134," substituted; I would also observe that at the end of this new edition about twenty-seven pages are added containing the rules, forms, &c.

As I have the 7th edition, I did not want another copy of it, so now I have given 12s. for sixty pages of new bankruptcy practice, and twenty-seven pages of rules and forms; this I think is "paying dear, very dear, for my whistle."

AVOCAT.

DEATH OF VENDOR BEFORE COMPLETION OF PURCHASE.

A. contracts for the sale of an estate to B. and dies before executing the conveyance, leaving a will of a date prior to that of the contract specifically devising the same estate to C. and D. as tenants in common, and devising all estates vested in him as trustee to E. and F. In whom does the legal estate in the premises vest? In the specific devisees or in the devisees of the trust estates? If in the latter, have the former any estate or interest under the will which it is necessary for them to convey, or was the prior devise to them completely revoked by the contract? I shall be glad to have the reply of any of your correspondents.

J. T. S.

WILL—MISTAKE.

T, a short time before his death, gave instructions in his own handwriting to his solicitor for a will. In such instructions he directed the residue of his personal estate, in the event of both his sons dying under the age of twenty-one years, to be divided amongst all his sisters in equal shares, and the issue of such of them as should die either in his lifetime or after his decease; such issue to take *per stirpes*. The draftsman asked the names of the sisters, and by mistake was told the names of three only—there being four—consequently the names of only three were inserted in the will, and the error was not discovered until too late. It was the testator's express wish that all his sisters should equally participate; and one of the relatives contends that under such circumstances there ought to be some means to remedy the defect. Can any of your correspondents suggest any method whereby this might be done, and the wishes of the deceased testator carried into effect? It will be perceived that the interest of the sisters is contingent. All of them are of full age, and one of the three named in the will is married, but her share is not left to her separate use.

J. T. S.

Review.

The Practice of the High Court of Chancery, as altered by recent statutes, and by the Consolidated and other General Orders of the Court; comprising proceedings by Bill, Special Case, Summons, and under the Charitable Trusts Act, The Settled Estates Act, and The Infant's Marriage Act; with practical directions, and a Copious Selection of Modern Cases. Seventh edition, carefully revised. By HUBERT AYCKBOURN, a Solicitor of the court. Wildy & Sons. 1861.

Mr. Ayckbourn's book has been long acknowledged as the most convenient and useful work on chancery practice—for solicitors; and from a careful examination of the new edition, we can say that it is by far the best which has yet appeared. We learn from the preface that Mr. P. W. Rogers—certainly one of the most learned of the chancery registrars in all that relates to practice—has bestowed considerable pains upon the work, and especially upon this edition. This of itself would be a guarantee for its accuracy and completeness; and indeed we can say that the work in its present form well deserves this character. Of late years there have been two classes of books on chancery practice. In former times such works as those of Newland, Maddock, and Daniel occupied the field alone; because the special statutory jurisdiction of the Court was then comparatively insignificant, and only required to be treated incidentally. Now, however, a very large proportion of the ordinary business of the Court rests upon statutes, which have been passed within the last ten years; and numerous little books devoted to the exposition and illustration of these Acts, either separately or collectively, have appeared from time to time. The cases relating to these already number at least 2,000; but the time appears to have come when a large proportion of the earlier of the decisions might be dropped out of the text books, and the practice which they have settled be conveniently stated in a substantive manner. This being so, there is no reason why the distinction between the two kinds of works to which we have adverted should be continued; and we notice that this edition aims at being a complete work on Practice. The statutory enactments, and the cases relating to them fall under proper heads, with their cognate subject matter. In other words they become incorporated with the ordinary practice of the court, which is unquestionably much more convenient than by maintaining a distinction involving the necessity of constant reference to two books instead of one. Mr. Ayckbourn gives not only a treatise upon the general practice of the court, but in the proper place introduces all the modifications which have been recently effected by the legislature; and the entire of this difficult task is accomplished with remarkable skill and precision. We have looked in vain for the omission of important recent cases affecting chancery practice. They are all cited, and so cited as to be easily found, which is not one of the least advantages of a book intended for practical and daily use. We have noticed also that the effect of the authorities is generally given very correctly. Indeed, there is in the present edition, abundant evidence that all the new matter has been written, and that it has been revised throughout, most carefully.

Mr. Ayckbourn, in his preface to the new edition, alludes to the material alterations which, since the former edition, have been effected in the practice and procedure of the Court of Chancery. They are as follows:—

1. Sir Hugh Cairns' Act, 21 & 22 Vict. c. 27, empowering the Court to award damages in suits for injunction or specific performance, and importing into equity procedure, at least in theory, trial by jury.
2. Lord St. Leonards' Act, 22 & 23 Vict. c. 35, enabling trustees, executors, or administrators to obtain a judicial opinion, advice, or direction, without the institution of a suit.
3. The Chancery Amendment Act of last Session enabling the Lord Chancellor to make general orders for carrying into effect the recommendations of the Chancery Evidence Commissioners.

It is curious to observe the trifling effect which these seemingly important measures, and others which preceded them, have had upon actual practice. A few bills with an alternative prayer for a specific performance or damages have been brought into court, but we are not aware that in any case the Court has awarded damages or caused them to be assessed; and there has been only one instance of the aid of a jury being invoked. The intention of the Act appears to have been that damages might be awarded or assessed not only in

substitution for, but in addition, to a decree for an injunction or for specific performance. It was thought at the time when the Act passed that practical injustice sometimes resulted from the want of jurisdiction in courts of equity, which would enable them in certain cases not only to decree specific performance, but also to give additional relief by way of damages for delay in the performance of the agreement in question. It was said to be sometimes felt by judges that courts of equity ought to have power in such cases to do complete justice without compelling the plaintiff to resort to another forum. However, during the three years since the passing of this Act, it does not appear that any such decrees have been made. Considerable difficulty has been felt in reference to the principle which recognizes damages as a substitute for specific performance. It has been often laid down that the very essence of the jurisdiction as to specific performance is that damages would afford no adequate remedy for nonperformance. Where *ex hypothesi* damages would be a sufficient compensation for breach of the contract, it was always considered well settled that the case was not one for equitable jurisdiction; and this no doubt is the main reason why Sir Hugh Cairns' Act has been almost inoperative. At the same time one might fairly suppose that numerous cases occur in which the provisions might be very useful, without being embarrassing, to the plaintiff. Thus in suits for the specific performance of a contract to sell real estate where it turns out that the defendant cannot make a good title, but where the plaintiff was entitled to a decree, it is obviously convenient that a court of equity should be able to conclude the whole matter between the parties by awarding damages for a breach of the contract. Strange to say, however, no case is reported in which this has been done, although Sir Hugh Cairns' Act has been in operation for the last three years.

The "judicial opinion" clause in Lord St. Leonards' Act of 1859, has also proved almost a nullity; and in some respects for the same reasons that the provisions relating to special cases in Sir George Turner's Act have produced little result. Both enactments attempt to provide machinery by which the opinion of a judge may be obtained without the institution of a suit. The procedure in special cases, however, is rather more complicated and is hardly less expensive than in regular suits; while there is always some risk in the former that the opinion when obtained may be useless, on account of some inaccuracy in the statement of the facts; and after all nothing but an "opinion" is obtained, since in such proceedings the Court cannot bind the rights of parties where there is a dispute. Notwithstanding these drawbacks, a few special cases are filed every year. Immediately after Lord St. Leonards' Act of 1859 came into operation, there were some attempts by trustees to obtain the direction of the Court under its provisions relating to the obtaining of judicial opinion, advice, or direction, upon a summary application. But this part of the Act soon fell into comparative disuse. It was decided that the statutory petition should contain in itself all the statements which were necessary or proper to enable the Court to give its "opinion;" nor would the Court allow affidavits to be filed for the purpose of supplying information not contained in the petition; neither would it under this statute direct an inquiry at chambers. It was further held that the indemnity to the trustees depended upon the facts stated; and that the judicial "opinion" so obtained was not subject to any appeal, and would not prevent a regular suit being instituted in relation to the same subject matter. All these restrictions were rendered unavoidable by the nature of the proceeding, and have had the effect of making it almost a nullity.

The Act relating to *visu voce* evidence has also been, up to the present, almost without effect. Under this Act a plaintiff or defendant may, after issue joined, apply to the judge in chambers, that the evidence in chief as to any facts or issues might be taken *visu voce* at the hearing of the cause; and when such order is made, no other evidence is admissible at the hearing in respect of such facts or issues. We pointed out at the time* that this method of procedure was calculated to be very inconvenient and unsatisfactory, and that there was not much probability of suitors often availing themselves of it. Experience has shown that our anticipations were not ungrounded. It is necessary, however, that practitioners should be acquainted with the procedure originated by the statutes to which we have referred, as now and then it may be advisable to make use of it. We observe that Mr. Ayckbourn in his new edition, devotes only to these new, but abortive, branches of practice, as much space as their importance

demand. But while he has avoided the fault of useless prolixity, he has been careful to omit nothing which is really important in actual practice. The entire work is well executed, and for solicitors is certainly the best book on chancery practice.

Juridical Society.

THE "TRENT" AFFAIR.

At the meeting of this society held on the 16th inst., Mr. Wilcock, Q.C., in the chair. Mr. C. Clark read the following paper on the affair of the *Trent* and *San Jacinto*:—In undertaking to introduce the question, "Is the capture of the Southern Commissioners from on board the mail steamer *Trent* defensible by the law of nations?"—I had no intention to present to this Society the opinions of a partisan, or to endeavour to rouse its feelings and win its applause, by the employment of strong language in the assertion, or the defence, of national prejudices. I respect too much the established character of this Society, and, in the absence of still higher motives, that alone would have prevented me from treating the question in any other spirit than that of a jurist. We sit here, not indeed affecting to hold the position of judges, but sincerely desirous to conduct our discussions with judicial fairness. And, in this instance, the consequences of passion or prejudice may be so great that it is imperatively the duty of every one who affects to lead a discussion on this subject to avoid these faults. I have tried to keep myself entirely free from their influence, and whatever may be the result of the present differences, I trust that the consideration of the question in this Society may assist in putting upon a right footing a matter interesting to all the nations of the earth, and one, a misconception as to which may compromise the peace of two nations, and the comfort and security of many others.

The question we have to discuss is one upon international law. This very name is modern. I believe it owes its existence to Bentham, although some of the foundations on which it rests existed in ancient times. Selden had used the phrase "*jus inter gentes*" in his essay on the Dominion of the Sea, and about the middle of the seventeenth century Dr. Zouch published a work "*De Jure inter Gentes*," a title which he afterwards wove into a longer one descriptive of the nature and object of another treatise. The spirit of this expression does not, however, appear to have been adopted into works on this subject, till Bentham employed the expressive translation "*international law*."

NEUTRALITY IN ANCIENT TIMES.

The respect due to heralds and embassies may be found recorded in the earliest writers, sacred and profane, in prose and in verse. But they were the special representatives of sovereigns or of states at war with each other, or seeking each other's alliance. The condition of a neutral having interests different from either, which interests could hardly be served without occasioning possible offence to one or the other, can scarcely be said to have been then known. Nor can it be wondered at that in those early days the rights of neutral nations should have been unknown since there could hardly happen any war between two powerful states, into which the states immediately around them would not be forced to enter. The eddy of the great whirlpool swept into it all surrounding substances. And, if it did not, passion, or supposed self-interest, drew them into the vortex. But facts change habits and introduce new doctrines and new practices. Most of the states of the earth at that time, so far as ordinary history makes us acquainted with them were small; the bare fact of largely increased and infinitely diffused populations existing in the world, has greatly modified the relations of all its various countries with each other. What were once small communities have become great nations, and instead of two great empires contending, and being alone able to contend, for the mastery of the world, as was once the case, there is no one now able to put forth a claim to universal dominion, while there are several, each of which could powerfully contest such a claim, and if these should neglect or desert their duty, there are many of smaller extent and less force, that by their union might render the success of the claim impossible.

RESULTS OF INCREASED POPULATION.

This fact has modified the relations of all states towards each other. The claims of neutrals have necessarily become numerous and complicated. The smallest states have set up

to have rights against even the greatest; and it has become frequently dangerous, and always impolitic, for any of the greatest states to refuse the recognition of those rights. When, therefore, great states have been at war the interests of these small states have claimed and received acknowledgment. And, hence, in a great measure has arisen that branch of international law which we have now assembled to discuss—the law relating to neutrals in time of war. For as the Earth became more fully peopled and distant populations arose requiring supplies which their own lands did not afford them, commerce grew into universal importance; it became a really national interest, and the protection of it assumed everywhere the character of a national duty and a national necessity. And, independently of this, which is the primary and honourable origin of the law of neutrals, there arose the desire upon certain occasions to secure large and unaccustomed profits, and, perhaps, at the same time to serve the purposes of a favoured power, without directly and justifiably incurring the hostility of his opponent. These matters, real and pretended neutrality, have become seriously, if not almost inextricably, blended, and in the cases to which we shall shortly have occasion to refer, it will be difficult, perhaps impossible, to assign more than a very small number of them to the excusable desire to make a good profit out of accidental circumstances—to obtain a benefit from the quarrels of two states without acting unjustly to either.

It is this which has occasioned much of the labour of the jurists, and which accounts for much of that uncertainty in international law, imperceptible to conscientious jurists, but loudly asserted by interested political partisans to have an actual existence.

PRINCIPLES OF INTERNATIONAL LAW—FAIRNESS—PROMOTION OF PEACE.

The first great principle of international law is fairness. Whatever violates that principle, however speciously supported, is of questionable validity. The next great principle is the promotion of peace. These principles hardly allow of an exception, for, whatever cases may at first sight appear to bear that character, will be, when fully considered, found to be subservient to them.

SHIP PART OF THE STATE TO WHICH IT BELONGS.

Peace is, in law—I wish it was in fact—the normal condition of the world. One of the great material blessings of peace is the free intercourse of the various parts of the world, and the free interchange of their commodities. For such a purpose the sea is open to all—it is the property of no one; it is truly described as “the highway of nations.” But there must be something of rule in the use of this highway, or the benefits which its use ought to produce to all might be liable to be lost, if not even perverted into mischiefs. As a first rule, each nation claims jurisdiction over its own vessels at sea. This rule is as ancient as navigation itself, though all its applications may not have been early developed. This rule depends on the principle, that every vessel is part of the state to which it belongs. This principle, I am prepared to maintain, and must do so, for it will become of much importance in a future stage of this discussion—and it has been doubted, as it seems to me, on very insufficient reasoning, by some writers on international law. Manning, in his Commentaries on the Laws of Nations, 209, says, that “this position has been relied on by writers who have claimed that the flag of a neutral shall protect the goods of a belligerent.” If such was the only purpose for which the doctrine was to be maintained, it would not have my support, but my opposition, since I believe that such an unqualified doctrine would receive an unqualified application, and would thereby only lengthen war, and make it more disastrous. The doctrine, that the ship is part of the state to which it belongs, has, however, other consequences not only not objectionable, but absolutely just and praiseworthy. Let us see how Mr. Manning, who has put together the objections of other writers, assails it. He says: “The argument is based on the fact that a belligerent has no right to capture the property of his enemy when in the territory of a neutral. It is asserted that the ship is part of the territory of the state to which it belongs; and that goods on board a neutral ship are, therefore, as exempt from capture as if they were actually in the neutral country itself.” To draw too wide an inference from a doctrine can never be admitted as a sound and proper means to impeach the doctrine itself. This has been done in the sentence just quoted, and the same fault of reasoning will be found to run through the whole argument. He goes on thus:

To argue that a neutral ship is neutral territory is a fiction

so palpable that it appears surprising that it should ever have been insisted on as a tenable position, especially as only one argument is adduced in support of this territoriality of ships at sea. The jurisdiction of the state to which a ship belongs extends to the cognizance of acts committed in that ship while at sea; and it is urged that this continuance of jurisdiction proves that a ship at sea is part of the territory to which it belongs. This deduction seems, in the first glance, far fetched and too flimsy to be made the basis of any serious conclusions. But more than this it meets with contradiction on its own terms; a ship, say the asserters of this proposition, is part of the state to which it belongs, as is evident because at sea the ship is subject to its jurisdiction. Now no nation has jurisdiction over the territory of another nation, but as soon as a merchant ship comes into the harbour of a state to which it does not belong, it becomes subject to the jurisdiction of the latter state. This shows that a merchant ship cannot be considered part of the territory of its own state, for if it possesses this character at any time it must possess it at all times. . . . The fiction is completely destroyed by the disproof above alleged, but other reasons combine to show how little tenable is this position. If a ship is part of its state's territory, it cannot be allowed to take from the ship contraband of war going to an enemy, because such capture would not be permitted if the contraband goods were lying in the neutral territory. Again, if neutral ships carry the soldiers of our enemy, it would not be allowable to make them prisoners, because we must not attack the territory of a neutral. Either the argument is worth nothing or it holds to this extent, which is a *reductio ad absurdum*. To escape contradiction, the right of search, and of seizing contraband must be denied, if the right to protect enemy's goods is claimed on this ground.” These last words perhaps explain Mr. Manning's real objection to the doctrine; but if so, they show that he commits the error of objecting to a principle because of a deduction sought to be made from it. The principle may be sound—the deduction illogical. The maxim that there is no rule without an exception must be applied here, and we all know that an exception often affords very valuable proof of the existence of the rule. Is it true that a law does not exist in one country because it, partially or wholly, loses its effect in another. What is the Conflict of Laws but the acknowledgment that there is a law in one jurisdiction which another is not bound entirely to obey, but which it always treats with respect, often tolerates and sometimes effectuates. What is the Comity of Nations but the principle of concession as far as practicable to the authority of a foreign jurisdiction. A ship in a foreign port is part of the territory to which it belongs so far as the municipal laws of the port where it is do not interfere to deny it that character. Where they do so interfere, of course the superiority is with them; where they do not so interfere, the laws of the country of the ship apply to it. And still more strongly is this the case when the ship is not in port, but is at sea. The sea is the highway of nations, and on that highway the rights of all voyagers are *prima facie* the same. If the ship of one country interferes with the ship of another upon the high sea, the interference must be justified or compensation must be afforded. In the case of a private wrong the tribunals of the country of the wrong doer are bound to afford redress; in the case of a public interference the government of the interfering country is under a like obligation; it must explain and justify the conduct of its officer, or it must repair his wrong or his error. If, the moment a vessel was on the high seas or in a foreign port, it became an isolated thing, unconnected with the country to which it belonged, it would be without any protection: it is because it continues part of the soil of that country that it can sail in safety for it then comes within the protecting power of that country. It is equally true of every individual of a country as of every ship of a country, that when he enters a foreign port, he is bound to submit to the laws of the place, that he can no longer protect himself by the laws of his own country, nor even carry on his business with relation to them alone, since his contracts, made in a foreign port, may be modified by the laws of that place, and yet he is undoubtedly still a part of his native community, and, as such, is entitled to certain advantages, to fair respect, and to necessary protection. The ship is always part of the country to which it belongs, though it does not follow as a consequence that it is every where, and at all times, to be treated as the land of that country itself. Such a consequence is, by the very nature of things, impossible, and hence the laws of the place where the ship is found possess the superior authority, and the justifiable necessities of self-preservation on the part of any belligerent

should it be met with on the high sea, create exceptions to what is otherwise a clear and properly established rule.

Having thus, as I think, established the principle, that a vessel is part of the soil of the state to which it belongs, though liable, under certain circumstances, to be subjected to the operation of other laws than those of its own state, let us proceed to consider how the principle and the exceptions, working together, will affect it under different circumstances; first, as to the goods or other things which it may carry; next as to the persons who may be passengers on board of it.

HOW THIS PRINCIPLE AFFECTED, AS TO GOODS AND PERSONS.

It will be unnecessary to go into discussion as to the goods alone. It is clear that in time of war a neutral ship must not carry, for the advantage of either belligerent, contraband of war. What is contraband of war has not been determined once for all by any nation whatsoever. The list of contraband articles has varied according to the necessities or the caprice of different belligerents. Arms and ammunition may be fairly considered as at all times contraband, but saddlery has been so, and even tobacco itself was once so treated, though, as Bynkershoek jocosely observes, "it only ends in smoke," a joke which he applies to the controversy, while he condemns the prohibition. Bynkershoek "*Quæstiones Juris Publici*," bk. i., c. 10, discusses the various things which a neutral cannot carry for a belligerent, even to tobacco itself. He describes contraband as things which may be used in war, or are fit to be so used, and that too whether they can be used at other times and for other purposes or not—as for example, we wear swords for ornament, and use gunpowder for rejoicings, yet both are plainly contraband of war. Food too has been confiscated under the same appellation, and there is a curious case which shows how far the United States, at most other times the urgent assertors of neutral privileges, have carried the doctrine, that what may be useful to an enemy must be contraband of war, and cannot be carried in neutral ships, but is liable to seizure there. In the case the particulars of which I shall briefly narrate, the United States being at war with England, but at peace with Sweden, then one of the allies of England in a war against France, confiscated the cargo of a Swedish ship (the *Commesen*) consisting of barley and oats, because it might be useful to the English army in Spain, and thought it "a very lenient administration of justice to confine the penalty to a mere denial of freight." The Swede was not in that case a mere neutral, carrying goods for the extra profit he hoped to get under the circumstances, but was in addition a subject serving his own sovereign by assisting that sovereign's ally.

CURIOUS AMERICAN CASE AS TO PROVISIONS.

Mr. Wheaton, in his "*Elements of International Law*," p. 569, says, "Although the general policy of the American Government in its diplomatic negotiations has aimed to limit the catalogue of contraband by confining it strictly to munitions of war, excluding all articles of promiscuous use, a remarkable case occurred during the late war between Great Britain and the United States, in which the Supreme Court of the latter appears to have been disposed to adopt all the principles of Sir W. Scott as to provisions becoming contraband under certain circumstances." He ought to have said, carry them far beyond what Sir W. Scott ever imagined. He then quotes at considerable length the case of the *Commesen*. That was the case of the Swedish vessel already mentioned. "An attempt was made to distinguish this case from the ordinary cases of employment in the transport service of the enemy, upon the ground that the war of Great Britain against France was a war distinct from that against the United States, and that Swedish subjects had a right to assist the British arms in respect to the former, though not to the latter. To this it was answered, that it was always right to weaken the force of the enemy, which would be done by depriving him of provisions. And as to the armies of England in Spain being engaged in a service in which otherwise the army of the King of Sweden would be employed, it was said it was perfectly immaterial in what particular enterprise those armies might be at the time engaged, for the same important benefits were conferred upon the enemy of the United States, who thereby acquired a greater disposable force to bring into action against them. That force was always hostile to America, be it where it might." This rather far-fetched reasoning need not have been had recourse to, for the principle, if any, on which the decision could be justified was this, "that whatever might have been the right of the Swedish Sovereign, acting under this

own authority, if a Swedish vessel be engaged in the actual service of Great Britain, or in carrying stores for the exclusive use of the British armies, she must to all intents and purposes be deemed a British transport." Upon that principle, all the cases before Sir William Scott, so often misapprehended as to their facts, proceed, and a short sketch of them will be necessary in order to understand the rules which that most distinguished jurist laid down, and which, under a curious misapprehension, have been quoted to justify many things which he not only did not intend, but to which he was actually opposed.

(To be continued.)

CRYSTAL PALACE.—Great preparations have been making for some months past, by the erection of an immense stage in the centre transept, which, with complete scenic appointments of the highest order, expressly designed and painted for the occasion by Mr. R. Fenton, will be opened to the public for the first time on the afternoon of Boxing-day. A pantomimic drama, full of action, will be the medium of exhibiting M. Blondin and his youthful daughter Adele Blondin, in a series of novel and interesting characters. In addition to the above special performance on the great stage, M. Blondin will make an ascent on the high rope in the great transept each day at one o'clock. The largest Christmas-tree ever seen has been fixed in the nave, and will be illuminated every evening, while the ample supply of toys and Christmas and New Year's gifts which will be on sale at the exhibitors' stalls in the nave and transepts, will alone repay a visit to the Palace.

Butler Cole Aspinall, Esq., who has recently been appointed Attorney-General in Melbourne, Australia, is a remarkable instance of a successful career, even for a new country. He is not much more than thirty years of age. He was called to the Bar of the Middle Temple in 1853, and proceeded early in the following year to Melbourne, with an appointment on one of the local journals, having already shown considerable literary ability in some contributions to the London press, besides being distinguished as one of the most brilliant speakers at the Eclectic Debating Society. Upon his arrival he leaped at once into success. Journalism promised well, but the Bar offered him higher temptations. The riotous gold-diggers at Ballarat were in trouble, and Mr. Aspinall was the counsel selected to defend them. He accomplished this work with such vigour and ability as to create for himself a prominent place at the Bar, notwithstanding that at this time he had nearly all his law to learn. For this, his first brief, he received the handsome fee of 1,000 guineas. Ballarat soon after arriving at the dignity of returning a member to Parliament, Mr. Aspinall was selected for the seat, and became conspicuous in that assembly for his powers as a speaker. Keen and vivid in argument, he was found to possess resources of ridicule and a happy vein of humour, which gave his oratory a peculiar charm. In order, however, it would seem, to cultivate a talent for silence, he accepted, soon after, the appointment of Chairman of Committees, with a handsome salary. But this he ultimately resigned finding the duties too heavy for his increasing practice; and he has, after holding another appointment for a short period, been able to substitute for it his present high professional post. Mr. Aspinall is the son of the late Rev. James Aspinall, rector of Althorpe, Lincolnshire, and brother of Mr. John Bridge Aspinall, now in considerable practice on the Northern Circuit, deputy recorder of Liverpool. He is also brother of Mr. Clark Aspinall, solicitor, Liverpool, and a member of the Liverpool town council.

Admission of Attorneys.

Queen's Bench.

NOTICES OF ADMISSION, Hilary Term, 1862.

[The clerks' names appear in small capitals and the attorneys to whom articles or assigned follow in ordinary type.]

RODGERS, GEORGE.—C. Rodgers, Slensford.

ROGERS, THOMAS WILLIAMS.—T. Rogers, 70, Fenchurch-street.

SALMON, ALAN BACKHOUSE.—R. F. Yarker, Ulverston.

SCOTT, JOSEPH.—R. F. Stedman, Sudbury.

SEALE, CHARLES GEORGE.—E. W. Seale jun., Bank-chambers Leicester-place.

SHAPLAND, JOHN TERRELL.—F. R. Thomas, 3 Fen-court.
 SHARP, JOHN ANDREW.—G. CAPES, 1, Field-court, Gray's-inn.
 SHIPLEY, JOSEPH AYSLEY DAVIDSON.—J. T. Hoyle, New-castle-upon-Tyne.
 SMITH, HORACE MELVILLE.—Messrs. Holroyd & Cronhelm, Halifax.
 SMITH, ROBERT WHITAKER.—W. Keary, Stoke-upon-Trent.
 SOUTHERN, JOHN.—Richard Holmes, Burnley.
 STEWARD, FREDERICK WILLIAM.—H. Lloyd, 49, Lincoln's-inn-fields.
 SWEARSE, CHARLES.—H. Symonds, Abridge.
 SWIFT, THOMAS.—W. Cross, Prescott.
 SYKES, JOHN WILLIAM.—William Barker, Huddersfield; T. Harvey, Egham.
 TAYLOR, JOHN.—K. Clegg, Oldham.
 TAYLOR, THOMAS.—J. M. White, 6, Whitehall-place.
 THOMPSON, GEORGE.—S. Samuel, 31, New Broad-street.
 TILLY, HARRY.—T. H. Tilly, Falmouth.
 TWINBERROW, JAS. KIMBERLEY.—S. R. Pattison, 10, Clement's-lane.
 UNDERWOOD, EDWARD MORGAN.—R. Underwood, Hereford.
 VAN HEYTHUYSEN, RICHARD PATERSON.—J. H. Benbow, Lincoln's-inn.
 VERNON, HENRY WM., B.A.—R. H. Burne, 1, Carey-street, Lincoln's-inn.
 WEST, WILLIAM ECKLEY.—William West, Bromyard.
 WHITEFORD, FERDINAND MAUGER.—C. C. Whiteford, Plymouth; J. N. Bennett, Plymouth.
 WHITEFORD, HAMILTON.—C. C. Whiteford, Plymouth.
 WHITEHEAD, JOHN MILNE.—G. Whitehead, Bury; T. W. Whitehead, Rochdale.
 WILKINSON, JAMES THOMAS.—W. Wilkinson, Morpeth.
 YATES, JOHN JOSEPH.—J. Yates, Jun., Birchfield-road, near Liverpool.

Hilary Term, 1862, pursuant to Judges' Orders.

BENNETT, NORMAN.—W. Bennett, Chapel-en-le-Frith.
 COOPER, THOMAS.—F. S. Clarkson, 25, Great Carter-lane.
 TAYLOR, REUBEN.—W. S. Harding, Birmingham.

Hilary Vacation, 1862, pursuant to 23 & 24 Vict. c. 127.

BELL, WILLIAM LAWRENCE.—C. Dod, 19, Great Portland-street; C. F. Phillips, 44, Lincoln's-inn-fields; W. Lawrance, Peterborough.
 OGLE, HERBERT MOSS.—W. Yearsley, Welchpool; W. Evans, Coleman-street.
 TENNANT, MARMADUKE.—R. Heaton, Burslem.
 WEAVER, WILFRED MARRATT.—J. Bridgeman, Chester.
 WILLIAMS, JOHN.—A. Osborne, Ross, Hereford.

Court Papers.

Court of Chancery.

TRANSFER OF CAUSES.—ORDER OF COURT.

December 13, 1861.

Whereas, from the present state of the business before the Lord Chancellor and the Master of the Rolls respectively, it is expedient that a portion of the causes set down before the Lord Chancellor, to be heard before the Vice-Chancellor Sir William Page Wood, should be transferred to the Master of the Rolls's book of causes for hearing. Now I do hereby, at the request of the Master of the Rolls, order that the several causes set forth in the schedule hereunto subjoined, be accordingly transferred from the book of causes of the Vice-Chancellor Sir William Page Wood, to that of the Master of the Rolls. And I do further order that all causes, so to be transferred, (although the bills in such cases may have been marked for the Vice-Chancellor Sir William Page Wood, under the Orders of Court of the 5th May, 1857, Order 6 of Consolidated Orders, and notwithstanding any orders therein made by the Vice-Chancellor Sir William Page Wood, or his predecessor) shall hereafter be considered and taken as cases originally marked for the Master of the Rolls, and be subject to the same regulations as all causes marked for the Master of the Rolls are subject to by the same orders. Provided, nevertheless, that no order made by the Vice-Chancellor Sir William Page Wood, or his predecessor, in any such cases shall be varied or reversed otherwise than by the Lord Chancellor or the Lords Justices. And this order is to be drawn up by the registrar, and set up in the several offices of this court.

WESTBURY, C.

SCHEDULE.

| Plaintiff. | Defendant. | Motion for Decree | Ref. to Record. |
|------------|------------|-------------------|-----------------|
| Montefiore | Bickley | 1860 M 136 | |
| Thompson | Watts | 1861 T 85 | |
| Allen | Allen | 1861 A 51 | |
| Taylor | Brown | 1860 T 47 | |
| Arnold | Brown | 1860 A 83 | |
| Motley | Motley | 1861 M 119 | |
| Williams | Thomas | 1861 W 35 | |

| Plaintiff. | Defendant. | Motion for Decree | Ref. to Record. |
|---|--------------------------------|-------------------|-----------------|
| Weedon | Conway | 1861 W 119 | |
| Arminson | Carr | 1861 A 10 | |
| Cumberland Black Lead Mining Co. (Limited). | Eales | 1861 C 155 | |
| Dorling | Claydon | 1861 D 140 | |
| Bantoft | Bennett | 1860 B 301 | |
| Patch | Sparks | 1861 P 81 | |
| Husband | Colville | 1861 H 61 | |
| Jenkins | Howell | 1860 J 75 | |
| The Kyde Commissioners | The Isle of Wight Ferry Co. | 1860 R 88 | |
| Price | Harris | 1861 P 8 | |
| Long | Wilson | 1861 L 32 | |
| Dunmore | Smart | 1861 D 37 | |
| Lancaster | Sir Humphry de Trafford, Bart. | 1860 L 105 | |
| Horworth | Rothwell | 1861 H 158 | |
| Buallih | Mayow | 1861 B 65 | |
| Rix | Harvey | 1861 R 93 | |
| Bates | Mackinley | 1861 B 270 | |
| Lyon | Donohoe | 1861 L 132 | |

N.B.—The Master of the Rolls will not commence hearing the above causes until Hilary Term, 1862.

Cecil Monro, Registrar.

December 18, 1861.

Whereas, by the 5th of the Consolidated Orders of this Court, rule 6, it is provided that the Lord Chancellor may, from time to time, by special order, direct the offices to be closed on days other than those mentioned in the 1st rule of the same order; and whereas Monday, the 23rd day of December instant, has been appointed as the day on which the funeral of his late Royal Highness the Prince Consort is to take place, I do therefore order, that the several offices of this Court be closed on the same Monday, the 23rd day of December instant, and that this order be entered with the registrar, and set up in the several offices of this Court.

(Signed)

WESTBURY, C.

Common Pleas.

Sittings at Nisi Prius, in Middlesex and London, before the Right Honourable Sir WILLIAM EALE, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, in and after Hilary Term, 1862.

IN TERM.

| Middlesex. | Jan. 14 | Friday | Jan. 17 |
|------------|---------|--------|---------|
| Tuesday | Jan. 20 | Friday | Jan. 24 |

AFTER TERM.

| Middlesex. | London. |
|----------------------|-----------------------|
| SaturdayFeb. 1 | ThursdayFeb. 13 |

The Court will sit during and after term at ten o'clock.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

Exchequer of Pleas.

Sittings at Nisi Prius, in Middlesex and London, before the Right Honourable Sir FREDERICK POLLOCK, Knt., Lord Chief Baron of Her Majesty's Court of Exchequer, in and after Hilary Term, 1862.

IN TERM.

| Middlesex. | | | London. | | |
|-----------------|--------|---------|-----------------|-------------|---------|
| 1st Sitting.... | Monday | Jan. 13 | 1st Sitting.... | Friday..... | Jan. 17 |
| 2nd Sitting.... | Monday | Jan. 20 | 2nd Sitting.... | Friday..... | Jan. 24 |
| 3rd Sitting.... | Monday | Jan. 27 | | | |

AFTER TERM.

| Middlesex. | London. |
|----------------------|-----------------------|
| SaturdayFeb. 1 | ThursdayFeb. 13 |

The Court will sit in and after term at ten o'clock.

The Court will sit in Middlesex at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex sittings are disposed of.

Deaths.

DOWNIE.—On Dec. 11, at Portobello, N.B., Alexander Downie, Esq., Official Searcher of Public Records in H. M.'s General Register House, Edinburgh.
 BOLTON.—On Dec. 13, Thomas Whalley Bolton, Esq., of 4, Elm-court, Temple, aged 65.
 PEAKE.—On Dec. 13, at Burrow-on-the-Hill, near Melton Mowbray Robert Peake, Esq., in his 81st year.
 PHILLIPS.—On Dec. 13, in the 59th year of her age, Ann Julia, relict of the late Thomas Phillips, Esq., of the Solicitors' Department, General Post Office.

London Gazettes.

Professional Partnerships Dissolved.

FRIDAY, Dec. 13, 1861.

Hoyle, William Fretwell, and Fretwell William Hoyle, Attorneys, Solicitors, and Conveyancers, Rotherham, Yorkshire. Dec. 7. By mutual consent.

Windings-up of Joint Stock Companies.

FRIDAY, Dec. 13, 1861.

UNLIMITED IN CHANCERY.

Defender Fire and Life Assurance Company.—Petition for winding up, presented on Dec 9, will be heard before the Master of the Rolls on Dec 21. H. Wellington Vallance, Solicitor for the Petitioner, 12 Tokenhouse-yard, Lombard-st.

Tretol and Messer Mining Company.—Petition for winding up, presented Dec 10, will be heard before Vice-Chancellor Wood on Dec 21. Vallance & Vallance, 20 Essex-st, Strand, Solicitors for Petitioners.

LIMITED IN BANKRUPTCY.

Clara Silver Lead Mining Company (Limited).—Petition for winding up, presented Dec 12, will be heard before Commissioner Fomblanque, on Dec 24, at 11.

TUESDAY, Dec. 17, 1861.

UNLIMITED IN CHANCERY.

Cameron Coalbrook Steam Coal and Swansea and Loughor Railway Company.—Order for a call of £3 4s. per share, in order to provide a fund to meet the costs incurred by the official manager, upon such of the contributories of the company, as are upon the list, so far as the same has been settled since the 3rd June, 1851, in order to equalize the calls made on all contributories. To be paid on Jan 1, between 10 and 4, at the office of W Turquand, 16 Tokenhouse-yd. M. R. Nov 7. Also, order for a call of £12 per share, in order to provide a fund for payment of debts, upon all contributories, to be paid on Jan 1, between 10 and 4, to W. Turquand.

North Wheel Exmouth Mining Company.—Order to wind up. M. R. Dec 7. W. Jones, 20, King's Arms-yd, Solicitor for Petitioner.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

FRIDAY, Dec. 13, 1861.

Brown, John Burgess, High-st, Windsor, Stationer. March 2. Sol Dale, 8 Furnival's-inn, Holborn.

Collier, James, Castle Cottage, Homerton, Middlesex, Gent. Jan 10. Sol Cox & Sons, 14 Sise-lane.

Emmett, Harriet Elizabeth, 23 King-st, Portman-sq, Middlesex, Widow. Jan 12. Sol Moon, 16 Lincoln's-inn-fields, Middlesex.

Loveday, Eliza, formerly of 29 Norfolk-crescent, Hyde-park, and late of 42 George-st, Edgware-rd, Middlesex, Widow. Jan 28. Sols Burgoyne, Milnes, & Burgoyne, 160 Oxford-st, London.

Waterhouse, Daniel, Liverpool, Merchant. Feb 1. Sol Wareing, Liverpool.

Welch, William, Southend Lodge, Larkhall-lane, Clapham, Surrey. Jan 31. Sol Stephenson, 7 Great Queen-st, St. James's-park.

Worrell, Charles, 11 Durburgh-st, Westbourne-park, Paddington, Middlesex, Esq. Jan 15. Sols C. & H. Bartley, 30 Somerset-st, Portman-sq.

TUESDAY, Dec. 17, 1861.

Collier, Christopher William, 8 Collier-st, Deptford, Kent, Gent. on or before the expiration of two months. Sols Child, 1 Turnwheel-lane, Cannon-st, and Elliott, 2 Great Knight Rider-st, Doctors' Commons.

Higgins, Sophia, 2 Cecil-sq, Margate, Widow. Jan 14. Sols Kempson & Trollope, 31 Abingdon-st, Westminster.

Jenkins, Mrs. Mary, 13 Bellevue-st, Swansea, Widow. Feb 1. J. Jenkins, Norton, near Swansea, D. Jenkins, Gwerllan, Llanamiet, near Neath, Executors.

Jennings, Jonas, Great Horton, Bradford, Relieving Officer. Feb 11. Sol T. Peel, Bradford.

Oney, Charlotte, Biggleswade, Bedfordshire, Widow. Feb 1. Sol G. Austin, Sheffield, Biggleswade.

Parker, John, Pine Apple Inn, Newcastle-upon-Tyne, Licensed Victualler. March 1. Sol Henry Story, 16 Market-st, Newcastle-upon-Tyne.

Ward, Lieutenant-Colonel James, Junior United Service Club, and 34 Stanhope-st, Hampstead-rd, Middlesex. Jan 14. Sols Senior & Attree, 2 New Inn, Strand, Middlesex.

Wardell, Robert Hall, Major in the service of the Honourable East India Company. May 1. Sol Joseph Aldridge, 27 Montague-pl, Russell-sq, London.

Creditors under Estates in Chancery.

Last Day of Proof.

FRIDAY, Dec. 13, 1861.

Atkinson, William, Lyth, Yorkshire, Blacksmith. Jan 8. Atkinson v. Stephenson, V. C. Wood.

Bennet, William, Derby, Surgeon. Jan 8. Davis v. Bennet, M.R.

Brooks, David, Glastonbury, Somersetshire, Draper. Jan 8. Boyd v. Brooks, M.R.

Campbell, Patrick, Acre-lane, Brixton, Surrey, Esq. Jan 8. Campbell v. Bedton, M.R.

Newton, John, Mill Town, Sheerness, Kent, Gent. Jan 21. Newton v. Newton, V. C. Stuart.

Scatcherd, Mary, Portland-ter, Regent's-park, Middlesex, Widow. Jan 14. Clark v. Scatcherd, V. C. Stuart.

Thompson, Elizabeth, Old Fish-st, London, Spinster. Jan 7. Brough v. Park, M.R.

Wight, Mary Elizabeth, 7 St. Mary-le-Strand-pl, Old Kent-rd, Surrey, Widow. Jan 15. Howard v. Pearson, V. C. Stuart.

(County Palatine of Lancaster.)

Lyon, Henry, Huyton, Lancashire, Innkeeper. Jan 7. Lyon v. Cade, Office of registrar, 1 North John-st, Liverpool.

TUESDAY, Dec. 17, 1861.

Essam, Ann, Hampton, Middlesex, Widow. March 16. Thornton v. Howe, M. R.

Ferris, Edward, Truro, Tanner and Currier. Jan 7. Williams v. Ferris, M. R.

Ferris, Henry Pearce, Truro, Cornwall, Tanner and Currier. Jan 7. Williams v. Ferris, M. R.

Guy, John, Stratford-on-Avon, Yeoman. Jan 8. Field v. Field, M. R.

Robson, John, Castle-st, Leicester-sq, and 7 Clarence-ter, Regent's-pk,

Middlesex, Attorney and Solicitor. Jan 31. Haslerigg v. Robson. V. C. Stuart.

Robinson, Reverend William Beaulark, Ratcliff, Suffolk, Clerk. Jan 30. Kidson v. Robinson, V. C. Stuart.

(County Palatine of Lancaster.)

Boardman, Ralph, Bolton-le-Moors, Lancashire, Attorney-at-Law. Jan 10. Boardman v. Gray. Office of Registrar, 4 Norfolk-st, Manchester.

Assignments for Benefit of Creditors.

TUESDAY, Dec. 17, 1861.

Prendergast, James, Tobacconist, Newcastle-upon-Tyne. Nov 20. So Watson, 10 Royal Arcade, Newcastle-upon-Tyne.

Deeds registered pursuant to Bankruptcy Act, 1861.

FRIDAY, Dec. 13, 1861.

Bowtell, James Mark, Colchester, Essex, Upholsterer. Dec 2. Assignment. Reg Dec 9.

Bridges, William, 51 Walcot-pl, Kennington-rd, Surrey, Gent. Dec 7. Assignment. Reg Dec 10.

Crane, William, and Frederick Evans, Northampton, Shoe Manufacturer. Nov 14. Assignment. Reg Dec 9.

Dawson, James, Lees, Ashton-under-Lyne, Bookseller. Nov 28. Assignment. Reg Dec 11.

Dodsworth, John, and William Davey, 22, Bush-lane, Cannon-st, London, Printers. Nov 19. Assignment. Reg Dec 11.

Frost, Catherine, and Thomas Frost, Derby, Ironfounders. Nov 16. Assignment. Reg Dec 11.

Graeson, Thomas, Doncaster, Draper. Nov 11. Assignment. Reg Dec 9.

Harris, Moses, 23 Little Alle-st, Goodman's-fields, Middlesex, Shoe Manufacturer. Nov 20. Composition. Reg Dec 11.

Harryman, William, Maidstone-bldgs, and 280 High-st, Southwark, Surrey, Hop Factor. Dec 9. Composition. Reg Dec 10.

Hatton, William, Hathern, Leicestershire, Cattle Dealer. Nov 28. Assignment. Reg Dec 9.

Harvey, William, Colchester, Pancras-lane, London, Wholesale Stationer. Dec 10. Composition. Reg Dec 10.

Hogan, Michael, Hollis Croft, Sheffield, Grocer. Nov 15. Composition. Reg Dec 10.

Holderness, Thomas, Duffield, Yorkshire, Printer and Bookseller. Nov 13. Assignment. Reg Dec 10.

Jackson, William Henry, 23 Bartholomew-close, London, Tailor. Nov 13. Composition. Reg Dec 10.

Jardine, Charles Spencer, Halifax, Grocer. Nov 11. Composition. Reg Dec 10.

Jarman, Thomas, and Lucy Martinson, Widow, High-st, Islington, Middlesex, Drapers (Jarman & Martinson). Nov 12. Assignment. Reg Dec 10.

Johnson, George James, High-st, Chatham, Manufacturing Chemist. Nov 30. Assignment. Reg Dec 10.

Johnson, Isaac, Duffield, Derbyshire, Ironmonger. Dec 3. Assignment. Reg Dec 11.

Fryor, Esra, Devonshire-st, Sheffield, Stationer. Nov 15. Assignment. Reg Dec 11.

Stonham, John Duley, Beckley, Shiffock, Farmer. Nov 14. Assignment. Reg Dec 10.

Taylor, Thomas, Featherstall-rd, Burnley-lane, Oldham, Machine Broker. Dec 6. Assignment. Reg Dec 10.

Watson, Lorina, Norwich, Innkeeper. Nov 20. Assignment. Reg Dec 11.

TUESDAY, Dec. 17, 1861.

Ashworth, Samuel, Manchester and Bury, Lancashire, Fishmonger. Nov 19. Assignment. Reg Dec 14.

Brierly, John, Manchester, Baker and Flour Dealer. Dec 13. Composition. Reg Dec 14.

Briggs, Jesse James, Lake-rd, Landport, Hants, Grocer. Nov 8. Assignment. Reg Nov 29.

Brook, William, Oset, Yorkshire, Rag Merchant. Nov 20. Assignment. Reg Dec 16.

Gilbert, James, Beckley, Sussex, Farmer, and Richard Hollands Gilbert, Idon, Sussex, Farmer. Nov 23. Assignment. Reg Dec 14.

Green, Charles, 185 Western-rd, Brighton, Gas Fitter. Nov 18. Composition. Reg Dec 16.

Hackett, Thomas, Leicester, Grocer. Nov 27. Composition. Reg Dec 16.

Hebb, Henry, Wyal, Nottinghamshire, Farmer. Nov 16. Assignment. Reg Dec 13.

Lock, Samuel, Old Town-st, Plymouth, Boot and Shoe Maker. Nov 23. Assignment. Reg Dec 16.

McGuth, Bernard, Vauxhall-rd, Liverpool, and Birkenhead, Provision Dealer. Dec 10. Assignment. Reg Dec 12.

Newton, Edward, Salford, Draper. Nov 23. Assignment. Reg Dec 14.

Plowright, William, Spalding, Lincolnshire, Innkeeper. Nov 18. Assignment. Reg Dec 14.

Tyler, William, Crane-st, Fleet-st, London, Printer. Nov 18. Assignment. Reg Dec 16.

Bankrupts.

FRIDAY, Dec. 13, 1861.

Allwood, Thomas, Laws-st, Fumebroke Dock, Dealer in Toys. Pet Dec 9.

Fumebroke, Dec 26. Sol Parry, Havertford.

Bates, George, 4 Medley-st, Kingston-upon-Hull, Fruiterer. Nov 29. Kingston-upon-Hull, Dec 27.

Bentley, Henry, Scholes, Birstal, Yorkshire, Woolen Cloth Manufacturer. Pet Dec 11. Leeds, Dec 23. Sols Cross, Bradford, and Carris & Tempest, Leeds.

Benton, Thomas, 18 Malbourn-st, Mansfield-rd, Nottingham, Grocer. Pet Dec 10. Nottingham, Jan 8. Sols Cowley & Everall, Nottingham.

Bird, Joseph, Nottingham, Grocer. Pet Dec 10. Nottingham, Dec 23. Sol Ashwell, Middle-pavement, Nottingham.

Boswall, George, King-st, Richmond, Surrey, and 130 Strand, Middlesex. Pet Dec 9. London, Dec 23. Sols Laurence & Markby, 6 Lincoln's-inn-fields.

Bowman, Thomas (and not Bowman, as advertised in the Gazette of 6th Inst.), Kirby, Ashfield, Nottinghamshire, Lime Bagger.

Bradbury, Edward, King's-bldgs, Mary-st, Balsall Heath, Worcestershire. Journeymen's Cabinet Maker. Pet Dec 7. Birmingham, Dec 29. Sol Sargent, Birmingham.

Brown, Richard, sen., St. John's-ter, Croydon-common, Surrey, Butcher. Pet Dec 12. London, Dec 31. Sol Silvester, 18 Great Dover-st, Newington.

Bryar, Robert, 7 Wentworth-ter, Pelton-lane, Halifax, Traveller and Cloth Washer Stamp. Pet Dec 11. Halifax, Dec 27. Sol Jubb, Halifax.

Buckley, John, Stanley Mills, Staffordshire, Miller. Pet Dec 10. Hanley, Dec 23. Sol Tennant, Hanley.

Butler, William, Poole, Coach Builder. Pet Dec 11. London, Dec 23. Sols Flux & Argles, 9 Mincing-lane, for Durrant, Poole.

Carnell, Annie, 13 Wellington-ter, Wellington-rd, St. John's Wood, Middlesex, Widow, Hotel Keeper. Pet Dec 11. London, Dec 27. Sols Howard & Dollman, 141 Fenchurch-st.

Carter, Jonathan, Blue Boar Inn, Magdalene-st, Exeter, Licensed Victualler. Pet Dec 10. Exeter, Dec 26. Sol Floud, Exeter.

Cavell, Charles Upton, Ramsgate, Poulterer. Pet Dec 10. Ramsgate, Dec 24. Sol Towne, Ramsgate.

Clarke, Samuel, 66 Lower Union-st, Torquay, Fruiterer. Pet Dec 9. Newton-Abbot, Dec 24. Sol Carter, Torquay.

Clode, Henry, 8 Warren-pl, Torquay, Cabinet Maker. Pet Dec 9. Newton-Abbot, Dec 24. Sol Carter, Torquay.

Cokayne, William, Nottingham, Schoolmaster. Pet Dec 9. Nottingham, Jan 8. Sols Cowley & Eversall, Nottingham.

Cox, James, 30 George-st, Worcester. Pet Dec 4. Worcester, Dec 27. Sol Corles, Worcester.

Cupit, John, Duffield, Victualler. Pet Dec 9. Belper, Dec 24. Sol Smith, Derby.

Dalby, William, and John Hadfield, Burton-upon-Trent, Builders. Pet Dec 9. Burton, Jan 6. Sol Flint, Uttoxeter.

Dann, Charles Rouben, Carrington-st, Nottingham, Optician. Pet Dec 10. Nottingham, Jan 8. Sol Coupe, Nottingham.

Davis, John, 5 Portland-pl, Wandsworth-rd, Surrey, Professor of Music. Pet Dec 9. London, Jan 1. Sols Howard, Halse, & Trustram, 66 Paternoster-row.

Dow, Edgar William, Myrtle House, Goswell-ter, Goswell-rd, Tailor. Dec 10. London, Dec 26.

Evans, Samuel, Great Coggeshall, Essex, Gardener. Pet Dec 3. Braintree, Dec 26. Sol Cardinal, Halstead.

Fewster, William, St. Martin's, Oak-st, Norwich, Baker. Pet Dec 9. Norwich, Dec 23. Sol Sudd, Norwich.

Fapana, John Anthony, Langdon-st, Salford, Cordwainer. Pet Dec 9. Salford, Dec 23. Sol Swan, Manchester.

Faulkner, Anne, Benjamin Wight Faulkner, and Charles Joseph Faulkner, Bath-row, Birmingham, Common Brewers. Pet Dec 6. Birmingham, Jan 13. Sols James & Knight, Birmingham.

Fellows, Edmund, Augustus-sq, Regent-pk, Middlesex, Licensed Victualler. Pet Dec 9. London, Dec 24. Sols Linklater & Hackwood, 7 Walbrook, London.

Frankland, James, 17 Commercial-rd East, Middlesex, Schoolmaster and Stationer. Pet Dec 8. London, Dec 23. Sol Massey, 7 Old Jewry.

Garrett, Jeremiah, Wase, Woodbridge, Suffolk, Grocer. Pet Sept 10. Woodbridge, Dec 24. Sol Churchyard, Woodbridge.

Gascoigne, Robert, Prince of Wales Inn, Peterborough, Cattle Dealer. Pet Dec 9. Peterborough, Dec 24. Sol Rutland, Peterborough.

George, John, Stonehouse, Brimscombe, Gloucestershire, Coal and Slate Merchant. Pet Dec 9. Bristol, Dec 30. Sols Abbot, Lucas & Leonard, Bristol.

George, Stephen, Doldre, Tregaran, Cardiganshire, Draper. Pet Dec 4. Lampeter, Dec 23. Sol Lloyd, Lampeter.

Gibson, William, 4 Lizard-st, Saint Luke, Middlesex, Ironfounder. Pet Dec 11. London, Dec 27. Sol Buchanan, 13 Basinghall-st.

Gillin, William, Paul's Row Ward, Chipping Wycombe, Buckinghamshire, Boot and Shoe Maker. Pet Dec 11. High Wycombe, Jan 8. Sol Clarke, High Wycombe.

Gorbell, Francis Lerebours, Whitechurch, Somersetshire, School Master and Coal Owner. Dec 9. Bristol, Dec 24. Sol Brittan, Bristol.

Gough, William, Quart Pot Beer-house, Gloucester, Innkeeper. Pet Dec 12. Gloucester, Dec 27. Sol Cooke, Gloucester.

Gould, Thomas, Cradley-heath, Rowley Regis, Staffordshire, Butcher. Pet Dec 7 (in forma pauperis). Stafford, Dec 23. Sol Walker, Litchfield.

Harrison, Henry George, 2 Half Moon-cres, Edward-st, Barnsbury-rd, Islington, Middlesex, Smith. Pet Dec 10. London, Dec 28. Sol Peverley, 19 Coleman-st.

Henderson, Matthew, Castle Eden, Durham, Groom. Pet Dec 6. Hartlepool, Dec 23. Sol Todd, Hartlepool.

Henson, James, Millgate, Newark-upon-Trent, Jobber. Pet Dec 10. Newark, Dec 28.

Hepworth, George Augustus Hartlepool, Gloucester, Surgeon. Pet Dec 11. Bristol, Dec 31. Sol Wilkes, Gloucester.

Holly, Walter, Charter-house, Hinton, Somersetshire, Miller's Man. Pet Dec 9. Taunton, Dec 31.

Horne, Alfred, 26 Felix-ter, Liverpool-rd, Islington, Middlesex, Grocer. Pet Dec 11. London, Dec 26. Sol Hutson, 30 Upper Clifton-st, Finsbury, London.

Howard, Frederick John, 2 Werrington-st, Oakley-sq, Middlesex, Merchant's Clerk. Pet Dec 9. London, Dec 24. Sol Dean, 27 New Broad-st, London.

Huckell, William, Willingham, Cambridgeshire, Farmer. Pet Dec 12. London, Dec 27. Sols J. & C. Cole, 36 Essex-ster, Strand, and E. Wapman, Cambridge.

Ireland, Henry Thomas Pugeley, Walmer House, Torquay, Livery Stable Keeper. Pet Dec 7. Newton Abbot, Dec 24. Sol Carter, Torquay.

James, Edward, 6 Penmaen-glas-rd, Aberystwith, Cardiganshire, Shipwright. Pet Nov 20 (in forma pauperis). Cardigan, Dec 26.

Kingsbury, Samuel Orbell, Great Oakley, Essex, Baker. Pet Nov 29. London, Dec 26. Sol Jones, Colchester.

Lee, Thomas, Wymondham, Leicestershire, Innkeeper. Pet Dec 9. Melton Mowbray, Dec 27. Sol Latham, Melton Mowbray.

Lilly, Frederick, Henry, Market Deeping, Lincolnshire, Glazier. Pet Dec 9. Bourne, Dec 23. Sol Deacon, Peterborough.

Lloyd, John, Bankfield-st, Heston Norris, Lancashire, Bricklayer. Pet Dec 9. Stockport, Jan 3. Sol Dawson, Manchester.

Maguire, Patrick, 5 Arthur-st East, London-bridge, General Commission Agent. Pet Dec 10. London, Dec 24. Sol Murrough, Warwick-chambers, Gray's Inn.

Marshall, William, Frome, Somersetshire, Brush Manufacturer. Pet Dec 10. Frome, Dec 27. Sol Cresswell, Frome.

Miles, John Albert, Banbury, Coach Builder. Pet Dec 5 (in forma pauperis). Oxford, Dec 17. Sol Williams, Oxford.

Mitchell, Nehemiah, Howey-lane, Congleton, Chester, Tailor. Pet Dec 10. Congleton, Dec 28. Sol Cooper, Congleton.

Mollard, Thomas, Charles Arthur-st, Neechells, Birmingham, Schoolmaster. Pet Dec 10. Birmingham, Dec 20. Sol Allen, Birmingham.

Monney, Henry, 3 Commercial-ter, New Shoreham, Sussex, Carpenter and Builder. Pet Dec 10. Brighton, Dec 24. Sol Goodman, Brighton.

Moore, Jesse Cornelius, 14 Little Tower-st, London, Wholesale Tea Dealer. Pet Dec 9. London, Dec 26. Sols Langford & Maraden, 38 Friday-st.

Morris, Harriet Ann, 10 Hampton-pl, Brighton, Widow. Pet Dec 11. London, Dec 31. Sols Dimmock, 2 Suffolk-lane, London, and Messrs. Woods & Dempster, Brighton.

Newton, John Turton, Birchills, Walsall, Lime Master. Pet Dec 10. Birmingham, Jan 13. Sol Webb, Birmingham.

Owen, William Hill, 325 Albany-rd, Camberwell, Surrey, Land Surveyor. Pet Dec 10 (in forma pauperis). London, Dec 31. Sol Munday, 6 Essex-st, Strand.

Pattison, John, Hood's-bldgs, Gateshead, Farmer. Pet Dec 9. Gateshead, Dec 28. Sol Watson, Newcastle-upon-Tyne.

Pedgriff, Harry, Laxfield, Suffolk, Surgeon. Pet Dec 10. London, Dec 27. Sols Moseley, Taylor, & Moseley, Old Jewry-chambers, and Moseley & Moseley, Framingham, Suffolk.

Phillips, Sarah Lucy, Widow, Bear Land, Gloucester, Licensed Brewer. Pet Dec 9. Gloucester, Dec 24. Sol Wilkes.

Pike, Thomas James, 17 North Audley-st, Middlesex, Glider. Pet Dec 9. London, Dec 24. Sols Miller, Horn, & Murray, 7 St. Martin's-pl, Trafalgar-sq, London.

Porter, John, 98 Lisson-gr, and 1 John's-yard, Lisson-gr, Marylebone, Middlesex, Looking Glass Manufacturer. Pet Dec 10. London, Dec 23. Sol Hampson, 54 Connaught-ter, Hyde-park, London.

Potter, Thomas Nadavid, Smalley and Mappery, Butcher. Pet Dec 9. Belper, Dec 24. Sol Shaw, Derby.

Reeves, Samuel, Barkby, Leicestershire. Pet Dec 10. Birmingham, Dec 23.

Roberts, Frederick, Manchester, Engraver. Pet Dec 11. Manchester, Dec 24. Sols Sale, Worthington, Shipman, & Seddon, Manchester.

Roeback, James, Woburn, Bedford, Baker. Pet Dec 10. London, Dec 27. Sols Martin, Thomas, & Hollams, Mincing-lane-chambers, and Staines, Jun, Bedford.

Rooke, James Nicholas, 23 Princes-st, Chelsea, Solicitor's Clerk. Pet Dec 11. London, Dec 26. Sols Lewis & Lewis, 10 Ely-pl, Holborn.

Ryder, Benjamin Moxon, Humber-st, Kingston-upon-Hull, Bottle Dealer. Nov 28. Kingston-upon-Hull, Dec 10.

Sawyer, James, 71, Curtain-rd, Shoreditch, Middlesex, Livery-stable Keeper. Pet Dec 10. London, Dec 28. Sol Beard, 10 Basinghall-st.

Shaller, Henry White, 24 Munster-st, Regent's-park, Middlesex, Green-grocer. Pet Dec 10. London, Dec 24. Sols Ody & Paddison, 3 New Boswell-st, Carey-st, London.

Sketchley, William, 53 Causeway-lane, Leicester, Builder. Pet Dec 11. Nottingham, Dec 23. Sol Arnall, Leicester.

Simpson, Daniel, King-st, Tunstall, Westons, Staffordshire, Boreseller. Pet Dec 12. Hanley, Dec 23. Sol Harding, Tunstall.

Sisson, Charles, Bingham, Nottinghamshire, Smallware and General Dealer. Pet Dec 9. Bingham, Jan 21. Sol Buttery, Bingham.

Smith, Francis, Fulham, Middlesex, Brewer. Pet Dec 10. London, Dec 27. Sols Peck & Downing, 10 Basinghall-st.

Smith, Sampson, Daw End, Rushall, Staffordshire, Licensed Victualler. Walsall, Dec 24. Sol Duignan, Walsall.

Spain, William Thomas, 6 Albion-ter, Chelsea, Middlesex, Solicitor's Clerk. Pet Dec 10. London, Dec 28. Sols Mills & Smith, 6 Chatham-pl, Blackfriars.

Stamp, Thomas, Bridford, Devonshire, Builder. Pet Dec 11. Exeter, Dec 26. Sol Fryer, Exeter.

Stevenson, James, Fox-ter, Dewsbury-rd, Leeds, Salesman. Pet Dec 10. Leeds, Dec 31. Sol Harne, Leeds.

Stigden, Henry, Newcastle-upon-Tyne, Alkali Manufacturer. Pet Dec 9. Newcastle-upon-Tyne, Dec 23. Sol Hoyle, Newcastle-upon-Tyne.

Tassell, William, Ransleigh-st, Liverpool, Hoiser. Pet Dec 5. Liverpool, Dec 27. Sols Reed, and Evans, Son, & Sandys.

Toft, Lewis, Newchapel, Staffordshire, Potter. Pet Dec 9. Hanley, Dec 23. Sol Tennant, Hanley.

Twyman, George, Ramsgate, Upholsterer. Pet Dec 3. Ramsgate, Dec 24. Sol Towne, Ramsgate.

Twyman, William Benjamin, Ramsgate, Upholsterer. Pet Dec 3. Ramsgate, Dec 24. Sol Towne, Ramsgate.

Uttley, Abraham, 1 St. James's-st, Bacup, Lancashire, Chemist and Druggist. Pet Dec 11. Bacup, Dec 26. Sol Watson, Bury.

Vineall, Samuel, Rotherfield, Sussex, Corn and Coal Merchant. Pet Dec 10. London, Dec 28. Sols Sole, Turner, & Turner, 68 Aldermanbury.

Vivian, John Hicks, Redruth, Cornwall, Cabinet Maker. Pet Dec 11. Exeter, Dec 30. Sols Peter, Redruth, or Turner & Hirtzel.

Ward, John, Escomb, Durham, Boot and Shoe Maker. Pet Dec 9. Bishop Auckland, Dec 26. Sol Dolphin, Wolsingham.

Waugh, Robert John, Lanchester, Durham, Mason. Pet Dec 9. Durham, Dec 23. Sol Marshall, Durham.

Wilder, Joseph, Galton Arms, Deddington Mill-rd, Aston-juxta-Birmingham, Licensed Victualler. Pet Dec 10. Birmingham, Jan 3. Sol Robson, Paradise-st, Birmingham.

Wilkinson, Thomas Charles, 11 Cross-st, New Hatcham, Old Kent-rd, Surrey, Baker. Pet Dec 9. London, Dec 28. Sol Marshall, 12 Hattogarden.

Williams, Richard, Penycodene, Llantrissant, Glamorganshire, Beer Retailer. Pet Dec 9. Pontypridd, Dec 26. Sol Ensor, Cardiff.

Winter, George, Menthorne, Howden, Yorkshire. Pet Dec 11. Leeds, Jan 8. Sol Vollans, Hull.

Wilson, John, 1 Dane-hill, Bow, Margate, Dealer in Toys. Pet Dec 10. Margate, Dec 26. Sol Boy, Margate.

Wood, David, Branley, Yorkshire, Cloth Manufacturer. Pet Dec 4. Leeds, Dec 23. Sol Richardson & Turner, Leeds.

Wyatt, Edwin, Penmaenmawr, Dwygyfylli, Carnarvonshire, Hotel Keeper. Pet Dec 11. Liverpool, Dec 27. Sol Cartwright, Chester.

TUESDAY, Dec. 17, 1861.

Aston, Thomas, Wolverhampton, Engine Manufacturer. Pet Dec 11. Stafford, Dec 27. Sols James & Knight, Birmingham.

Barrett, George, 47, Charlotte-st, Landport, Hants, Greengrocer. Pet Dec 14. London, Jan 2. Sols H. & R. W. Ford, Portsea.

- Beadmore, John, Ashby-de-la-Zouch, Printer. Pet Dec 10. Ashby-de-la-Zouch, Dec 23. Sol Cheate, Ashby-de-la-Zouch.
- Binnell, Walter, 21 Edwards-st, Portman-sq, Middlesex, Dentist. Pet Dec 14. London, Jan 6. Sols Harrison & Lewis, 6 Old Jewry.
- Bradbury, William Henry, London, Staffordshire, Grocer and Provision Dealer. Pet Dec 13. Stoke-upon-Trent, Dec 28. Sol Litchfield.
- Brown, Edmund, 12 Napier-st, Sheffield, Newcastle-upon-Tyne, Draper's Assistant. Pet Dec 14. Newcastle, Jan 16. Sol Joel, Newcastle-upon-Tyne.
- Bulbeck, Thomas, Chichester, Timber Merchant. Pet Dec 7. London, Jan 2. Sols Linklaters & Hackwood, 7 Walbrook, London.
- Bull, William, 19 St John's-sq, Clerkenwell, Middlesex, Bath Proprietor. Pet Dec 13. London, Dec 30. Sol Wells, Moorgate-st.
- Burdett, Benjamin, Cumbworth, Huddersfield, Skirt Manufacturer. Pet Dec 4. Leeds, Jan 7. Sols Armitage, Huddersfield, and Bond & Barwick, Leeds.
- Burke, John, Louth, Tailor and Woolen Draper. Pet Dec 14. Louth, Dec 30. Sols Brown & Son, Lincoln.
- Burridge, George, 1594 Great Hampton-st, Birmingham. Pet Dec 31. Birmingham, Dec 30. Sol Powell, Birmingham.
- Burt, Francis, Meriden, Warwickshire, Malster and Farmer. Pet Dec 16. Birmingham, Jan 6. Sols James and Knight, Birmingham.
- Cahan, Edward, 371 Strand, and 3 Golden-square, Middlesex, Tailor. London, Dec 27. Sol Solomon, 93 Finsbury-pl.
- Campbell, Alexander, 3 Clerwick-lane, Newcastle-upon-Tyne, Master and Mariner. Pet Dec 13 (in form pauperis). Newcastle, Jan 16.
- Carr, Henry Robert, sen, 7 Rochester-pl, Tothill-fields, Westminster, Middlesex. Pet Dec 14. London, Dec 30. Sol Marshall, 12 Hatching-garden.
- Clarke, Benjamin, Haulavington, Wiltshire, Cattle Dealer. Pet Dec 13. Bristol, Dec 30. Sols Abbot, Lucas, & Leonard, Bristol.
- Colebrook, Ann, Stone-st, Maidstone, Butcher. Pet Dec 13. Maidstone, Dec 30. Sol Morgan, Maidstone.
- Collier, John Henry, Princes End, Stafford, Tailor and Draper. Pet Dec 11. Stafford, Dec 30.
- Davies, Rufus Alexander James, 4 Kingston Russell-pl, Oakley-sq, Middlesex, Surgeon. Pet Dec 12. London, Dec 31. Sol Beard, 10 Basinghall-street.
- Diamond, George, 39 High-st, Gosport, Dealer in Stationery. Nov. 19. Portsmouth, Dec 28. Sol Stening, Portsea.
- Dellmore, George, Ivinghoe, Buckinghamshire, Grocer. Pet Dec 11. Leighton Buzzard, Jan 15. Sol Marshall, Hatten-garden.
- Draughton, William, Millhouse Dale, Tideswell, Derbyshire, Licensed Victualler. Dec 11. Sheffield, Dec 28.
- Drew, John, 18 High-st, Camberwell, Surrey, Clerk to an Attorney. Pet Dec 13. London, Jan 9. Sol Hill, 10 Basinghall-st.
- Eccles, James, Church-st, Paddock, near Huddersfield, Grocer. Pet Dec 4. Huddersfield, Jan 2. Sol Freeman, Huddersfield.
- Eglinton, James, 124 Euston-rd, St. Pancras, Middlesex, Dealer in Carriages. Pet Dec 13 (in form pauperis). London, Jan 7. Sol Holt, Quality-c't, Chancery-lane.
- Evans, Evan, Portmadoc, Carnarvonshire, Tailor and Draper. Pet Dec 5. Portmadoc, Dec 23.
- Evans, Thomas, Prospect-c't, Liverpool, Car Proprietor. Dec 12. Liverpool, Jan 2. Sols Evans, Son, & Sandys, Liverpool.
- Everest, William, Clarence-st, Brighton, Sussex, Attorney-at-Law. Pet Dec 14. London, Jan 7. Sol Silvester, 18 Great Dover-st, Surrey.
- Fellows, Edmund, Augustus-sq, Regent's-park, Middlesex, Licensed Victualler. Pet Dec 9. London, Dec 21. Sols Linklater & Hackwood, 7 Walbrook.
- Ford, Charles, Townley-st, Poulton-le-Sands, near Lancaster, Surgeon. Pet Dec 13. Lancaster, Dec 27. Sol Rawlinson, Lancaster.
- Fossil, Jane, Ealing, Middlesex. Nov 18. London, Jan 16. Sol Aldridge, 46 Moorfields.
- Franken, Henry, Manchester, Importer of Fancy Goods. Pet Dec 13. London, Jan 2 and 31. Sols Linklaters & Hackwood.
- Gallagher, John, St. John's Market, Liverpool, Fruit Dealer. Dec 13. Liverpool, Jan 2. Sols Evans, Son, & Sandys, Liverpool.
- German, Robert, 63 Regent-st, Westminster, Journeyman Carpenter. Pet Dec 16. London, Jan 2. Sol Cooper, 9 Charing Cross.
- Glover, John, 33 Ebenezer-st, Swansea, Oil and Grease Manufacturer. Pet Dec 10. Bristol, Dec 30. Sols Simons & Piewa, Merthyr, or Henderson, Bristol.
- Gribble, Thomas, West Teignmouth, Devon, Innkeeper and Farmer. Pet Dec 9. Exeter, Jan 2. Sol Clarke, Exeter.
- Haines, Amos, 1 Francis-pl, Cheltenham, Labourer. Pet Dec 10. Cheltenham, Dec 31. Sol Williams, Cheltenham.
- Hardman, John, Newchurch, Forest of Rossendale, Lancashire, Confectioner. Pet Dec 12. Bacup, Dec 26. Sol Partington, Bacup.
- Harrison, Ann, Fairfield, Durham, Licensed Victualler. Pet Dec 11. Newcastle-upon-Tyne, Dec 30. Sols Inglewood & Daggett, Newcastle-upon-Tyne.
- Harrison, Joseph, 6 Cain-pl, Kentish-town, and Clarendon-mews, Camden Road Villas, Camden-town, Middlesex, Corn Merchant and Cab Proprietor. Pet Dec 10. London, Dec 31. Sols Evans, Newbon, & Heritage, Doctor's-commons.
- Hicks, Robert, 111 Temple-st, Bristol, Egg Dealer. Pet Dec 12. Bristol, Jan 9. Sol Sabine, Bristol.
- Hiles, James, Bloxwich, Staffordshire, Victualler. Dec 11. Stafford, Dec 30.
- Hindson, Lancelot, 25 Stepney-cottage, Newca stile-upon-Tyne, Tailor. Pet Dec 13. Newcastle-upon-Tyne, Dec 30. Sol Beckington, Newcastle-upon-Tyne.
- Hipkins, Thomas, Carbrooke, Norfolk, General Smith, Pet Dec 14. London, Jan 7. Sols Shirreff & Son, Lincoln's Inn-fields, and Pollard, Ipswich.
- Hogard, Frederick, Radston, Yorkshire, Tailor. Pet Dec 14. Bridlington, Dec 28. Sol Hodgson, Great Driffield.
- Holmes, John, Doncaster, Tailor and Draper. Pet Dec 12. Sheffield, Dec 28. Sol Mason, York.
- Holroyd, Thomas, New-rd, Rastrick, Halifax, Blacksmith. Pet Dec 12. Halifax, Dec 27. Sol Jubb, Halifax.
- Horne, James, 20 Eversholt-st, Hampstead-rd, Middlesex. Pet Dec 14. London, Jan 2. Sol Pearpoint, 50 Leicester-square, London.
- Hopkins, Henry Charles, 6 Dorset-pl, Pall-mall, and 99 Lower-marsh, Lambeth, Surrey, Confectioner. Pet Dec 12. London, Dec 26. Sols Lewis & Sons, 7 Wilmington-sq, London.
- Hey, Edwin, 131 Golden-lane, St. Luke, Glass Dealer, and 94 Murray-st, New North-rd, Middlesex, Lodging-house Keeper. Pet Dec 16. London, Jan 9. Sol Smith, 15 Wilmington-sq, London.
- Howard, William Little, 14 Bellwell-ter, Lambeth, Surrey, Clerk to the Admiralty. Pet Dec 11. London, Dec 31. Sol Jones, 6, New-lane, London.
- Hurst, Henry Thomas, 33 Goldsmith-row, Hackney-rd, Middlesex, Tailor. Pet Dec 10. London, Dec 31. Sol Atkinson, 41 Bedford-row.
- Inch, Christopher, Fleet-street, Torquay, Fly or Cab Proprietor. Pet Dec 6. Newton-Abbot, Dec 28. Sol Parsons.
- Inman, William, Little Preston, Yorkshire, Bankman. Pet Dec 11. Farnet-tract, Jan 4. Sol Hall, Leeds.
- Jennings, Alfred, 133 Beach-st, Deal, Butcher. Pet Dec 12. London, Dec 31. Sol Doyle, 3 Verulam-bldgs, Gray's-inn, for Delaunay, Canterbury.
- Johns, William, Eaton-vill, George's-rd, West Derby, Lancashire, Commercial Traveller. Dec 12. Liverpool, Dec 27.
- Jones, William, 4 Johnson-st, Liverpool, General Dealer. Dec 12. Liverpool, Jan 3. Sols Evans, Sons, & Sandys, Liverpool.
- Kedge, Charles, 1 Park-rd, Old Kent-rd, Surrey, Cab Proprietor. Pet Dec 13. London, Jan 1. Sol Binnie, 1 Trinity-sq, Borough, London.
- Keenan, George William, 4 Gt. St. Andrew-st, Bloomsbury, Middlesex, Undertaker. Pet Dec 14. London, Jan 3. Sol Fittman, 94 Upper Stamford-st, Lambeth, Surrey.
- Leedham, William, Shepman, near Tadcaster, Yorkshire, Shop Keeper. Pet Dec 11. Tadcaster, Jan 1. Sol Harle, Leeds.
- Lister, Thomas, Whittington, Derbyshire, Colliery Proprietor. Pet Dec 14. Sheffield, Dec 28. Sol Urwin, Manchester.
- Marsden, Alexander Champion, Clochemur, Draper. Pet Dec 15. London, Jan 2. Sols Davidson, Bradbury, & Hardwick, 23 Basinghall-st.
- Mason, Isaac, Aberaman, Aberdare, Shoemaker. Dec 11. Cardiff, Dec 31.
- Maxted, Edward, 31 Lower Eaton-st, Finslow, Middlesex, Hair Dresser. Pet Dec 13. London, Jan 1. Sols Doyle, 3 Verulam-bldgs, and Delaunay, Canterbury.
- Meredith, Charles Edmund, 17 Bedford-st, Manchester, Law Stationer. Pet Dec 12. Manchester, Dec 28. Sol Evans, Manchester.
- Mew, Joseph Parker, and George Thorne, Newport and West Coes, Isle of Wight, Engineers. Pet Nov 18. London, Dec 31. Sols Reed, 3 Gresham-st, London, and James & Knight, Birmingham.
- Mills, John, Dudley, Baker. Pet Dec 13. Dudley, Dec 27. Sol Warrington, Dudley.
- Morris, Herbert, 24 Guildford-st, Russell-sq, Middlesex, Clerk to the London and Brighton Railway Company. Pet Dec 14. London, Jan 2. Sols Lewis & Lewis, 10 Ely-pl, London.
- Newall, James, Crews, near Nantwich, Cheshire, Victualler. Dec 13. Liverpool, Dec 30.
- Palmer, Joseph, 33 Chynne-walk, Chelsea, Middlesex, Printer. Pet Dec 14. London, Dec 30. Sol Mote, Bucklebury.
- Partinson, Catharine, Station Parade, Wood Ditton, Newmarket, Spinster, Schoolmistress. Pet Dec 13. Newmarket, Jan 3. Sol Garratt, Cambridge.
- Pauley, George, 27 Dauvers-st, Chelsea, Middlesex, Commercial Clerk. Pet Dec 13. London, Dec 30. Sol Johnson, 30 Doughty-st.
- Potter, John, Cotmanhay, Ilkestone, Derbyshire. Pet Dec 13. Nottingham, Jan 9. Sol Brevin, Nottingham.
- Purdue, James, 30 Brooks-st, Holborn, Middlesex. Pet Dec 10 (in form pauperis). London, Jan 2.
- Rackett, Joseph, 39 Bell-yd, Carey-st, Middlesex, Tin Box Manufacturer. Pet Dec 13. London, Jan 2. Sol Cattell, 1 Brunswick-row, Queen's-sq, Bloomsbury.
- Rees, John, Pellett-st, Cardiff, Grocer. Dec 11. Cardiff, Dec 30.
- Richards, George, Brass Horse-yd, Broad-st, Birmingham, Packing Case Maker. Pet Dec 13. Birmingham, Jan 24. Sol Smith, Birmingham.
- Rogers, John, Feltham, Middlesex, Market Gardener. Pet Dec 12. London, Jan 7. Sol May, 2 Adelaide-pl, London.
- Russell, Richard, 10 Banett-st, Liverpool, Lithographic Printer. Dec 12. Liverpool, Dec 27.
- Samuel, Lyon, 13 Bury-st, Saint Mary Ase, London, Jeweller. Pet Dec 12. London, Jan 2. Sol Murray, 26 Great St. Helen's, London.
- Sheppard, Walter, 16 Brazemose-st, Manchester, also of 107, Dale-st, Hulme, Manchester, Auctioneer. Pet Dec 14. Manchester, Dec 28. Sol Sutton, Manchester.
- Shimmell, Henry, White Horse-yard, Liverpool-rd, Islington, Middlesex, Livery Stable Keeper. Pet Dec 4 (in form pauperis). London, Dec 30. Sol Holt, Quality-c't.
- Sickling, Zachary, 12 Butlers-alley, Reynold's-c't, Moor-lane, London. Fancy Stick Maker. Pet Dec 13. London, Dec 30. Sol Phipps, 90 Coleman-st.
- Sills, Charles, Chesham, Buckinghamshire, Horse Dealer. Pet Dec 16 (in form pauperis). London, Jan 7.
- Slack, Jonathan, Sheffield, Leather Cutter. Pet Dec 7. Sheffield, Dec 28. Sol Broomhead, Sheffield.
- Smart, Charles, King-st, Thetford, Norfolk, Ironmonger. Pet Dec 9. Thetford, Dec 27. Sol Walpole, Northwick.
- Stanley, William, Blenheim Hall, Blenheim, Cheshire, Farm Servant. Pet Dec 14. Congleton, Dec 28. Sol Cooper, Congleton.
- Starr, Joseph, Egford-lane, Frome, Somersetshire, Cloth Dresser. Pet Dec 11. Frome, Dec 30. Sol Dunn, Frome.
- Staurenght, Alexander, otherwise Stowenght, 27 North Church-st, Cardiff, Dealer in Cattle, Watches, and Jewellery. Pet Dec 13. Cardiff, Dec 30. Sol Willcocks, Cardiff.
- Stute, Fritz, John Bull, 112, Fleet-st, London, Beer Retailer and Refreshment-house Ke-per. Pet Dec 16. London, Jan 7. Sol Kent, 11, Canham-st West, London.
- Tanner, Charles John, 9 Cleveland-ter, Victoria-rd, Darlington, Linco and Woolen Draper. Pet Dec 13. London, Jan 1. Sol Cooper, 9 Charing-cross.
- Tapp, James Bryant, & Charles Tapp, Chesterfield, Bolter Makers. Pet Dec 14. Sheffield, Dec 28. Sols Smith & Burdakin, Sheffield.
- Taylor, Henry, 2 Frederick-villas, Lavender-grove, Queen's-rd, Dalsion, Middlesex, Merchant's Clerk. Pet Dec 13. London, Dec 26. Sol Stocken, 61 Cornhill.
- Titchbourne, Samuel William Lloyd, Wolverhampton, Commission Agent. Pet Dec 11. Stafford, Dec 30.
- Thomas, Griffith, Plasnewydd-pwll, Carnarvonshire, Corn Dealer and Farmer. Pet Dec 8. Pwllheli, Dec 24. Sol Williams, Carnarvon.
- Thomason, William, 85 Norfolk-st, Liverpool, Wheelwright and Blacksmith. Pet Dec 13. Liverpool, Jan 8. Sol Evans, Son, & Sandys, Liverpool.

Thornton, Richard, Leeds-rd, Huddersfield, Woollen Dyer. Pet Dec 5. Huddersfield, Jan 2. Sol Dransfield, Huddersfield.
 Tarrall, Thomas, 85, West Orchard, Coventry, Cattle and Pig Dealer. Pet Dec 4. Coventry, Jan 4. Sol Sherwood, Learnington.
 Vaughan, James Henry Borden, 47 Leinster-sq, Hyde-park, Middlesex. Pet Dec 12. London, Dec 30.
 Vaughan, William, 7 Christmas-st, Bristol, Fish Dealer. Pet Dec 10. Bristol, Jan 9. Sol Sabine, Bristol.
 Vigors, David Wood, Cadoxton-juxta-Neath, Glamorganshire, Shorthand Writer. Pet Dec 11. Neath, Jan 8. Sol Cuthbertson, Neath.
 Walker, John, 60 Russell-st, Hulme, Manchester, Book Keeper and Agent. Pet Dec 15. Manchester, Dec 27. Sol Marsland, Manchester.
 Ward, William, 12 and 13 Whitefriars-lane, Coventry, Ribbon Manufacturer. Pet Dec 13. Birmingham, Dec 30. Sol Duke, Birmingham.
 Waterhouse, Poole, Watford, Baker. Pet Dec 9. London, Dec 30. Sols Robinson & Hine Haycock, 32 Charterhouse-sq.
 Watts, Alfred, Freemantle, & Bassett, and Bedwell, Hants, Builder. Pet Dec 14. London, Jan 3. Sols Peterson, 7 Bouverie-st, London, and Mackey, Southampton.
 Whitehead, Robert, Thomas-st, Coventry, Butcher. Pet Dec 10. Coventry, Jan 4. Sol Overall, Coventry.
 White, William, Paterchurch Inn, Front-st, Pembroke, Licensed Victualler. Pet Dec 14. Pembroke, Jan 6. Sol Parry, Pembroke-Dock.
 Whitehouse, Samuel, 35 St. Luke-st, Birmingham, Boot and Shoe Maker. Pet Dec 13. Birmingham, Jan 24. Sol Allen, Birmingham.
 Williamson, William, 10 College-st, Putney, Surrey, Linen Draper. Pet Dec 12. London, Dec 28. Sol Buchanan, 13 Basinghall-st.
 Wood, Samuel, Huddersfield, Dealer in German Yeast. Pet Dec 10. Huddersfield, Jan 2. Sol Freeman, Huddersfield.
 Worrall, Arthur, Dudley, Architect. Dec 11. Stafford, Dec 30.
 Wymark, John, 54 Norfolk-sq, Brighton, Carpenter and Stationer. Pet Dec 14. Brighton, Dec 28. Sol Lamb, Brighton.

BANKRUPTCIES ANNULLED.

FRIDAY, Dec. 13, 1861.

Cooke, George, Knighton, Hisington, Devon, Upholsterer. Dec. 9.
 Farbon, William, Horncastle, Lincoln, Miller.

TUESDAY, Dec. 17, 1861.

Case, Richard, 60 Bethnal-green-rd, Middlesex. Dec 12.

THE GUINEA HAMPER, consisting of one Bottle

Port, one ditto Sherry, one ditto Brandy, one ditto Rum, one ditto Gin, one ditto Whisky. Hamper and Bottles included.—To be had of CHARLES A. SIMPSON, 4, Sermon-lane, Doctors'-commons, London, E.C. Post-office Orders to be made payable at the General Post Office. Bottled Ales and Stout in the finest perfection. Price list of Wines, &c., sent free per post on application.

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John Gosnell & Co.'s LA NOBLESSE PERFUME—a most delicate perfume of exquisite fragrance.

John Gosnell & Co.'s GARIBALDI BOUQUET—a most choice and fashionable perfume.

John Gosnell & Co.'s RUSSIAN LEATHER PERFUME—a very fashionable and agreeable perfume.

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John Gosnell & Co.'s GOLDEN OIL—Môilline—Macassar Oil—Bears' rease, &c., for the Hair.

John Gosnell & Co.'s CHERRY TOOTH PASTE is greatly superior to any Tooth Powder, gives the Teeth a pearl-like whiteness, protects the enamel from decay, and imparts a pleasing fragrance to the breath.

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as made by E. GOUGH & Co., the Original Patentees, and laid exclusively by them at the Houses of Parliament, and numerous other public offices, is especially adapted for churches, offices, chambers, shops, passages, &c., being clean, warm, noiseless, dry, and economical.

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and economical artificial light known is obtained from the STELLA LAMP. No smoke! No smoke! No danger! During 12 consecutive hours the cost from one penny. The secret of success arises from perfect combustion. If you do not use gas, by all means put away candles, and adopt the STELLA LAMP. Price 1s. 3d. to 3 guineas; office lamps from 2s. 6d.

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